



APPLICATION ACCEPTED: January 3, 2013  
BOARD OF ZONING APPEALS: April 3, 2013  
TIME: 9:00 a.m.

# County of Fairfax, Virginia

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March 27, 2013

## STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2013-MV-002

### MOUNT VERNON DISTRICT

**APPLICANT:** Luis M. Perez

**OWNERS:** Luis M. Perez  
Angela M. Perez

**STREET ADDRESS:** 2104 Wakefield Street Alexandria, 22308

**SUBDIVISION:** Stratford Landing

**TAX MAP REFERENCE:** 111-1 ((3)) (7) 7

**LOT SIZE:** 14,110 square feet

**ZONING DISTRICT:** R-3

**ZONING ORDINANCE PROVISIONS:** 8-914, 8-922

**SPECIAL PERMIT PROPOSAL:** To permit reduction in minimum yard requirements based on error in building location to permit accessory structure to remain 6.1 ft. from side lot line and 7.9 ft. from rear lot line and to permit reduction in certain yard requirements to permit construction of addition 10.7 ft. from side lot line.

**STAFF RECOMMENDATION:** Staff recommends approval of SP 2013-MV-002 for the addition with adoption of the proposed development conditions contained in Appendix 1.

*O:\vgumk2\SP Cases\4-3 SP 2013-MV-002 Perez (50% and error)\Perez Staff Report.doc*

Laura Gumkowski

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicants/owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**

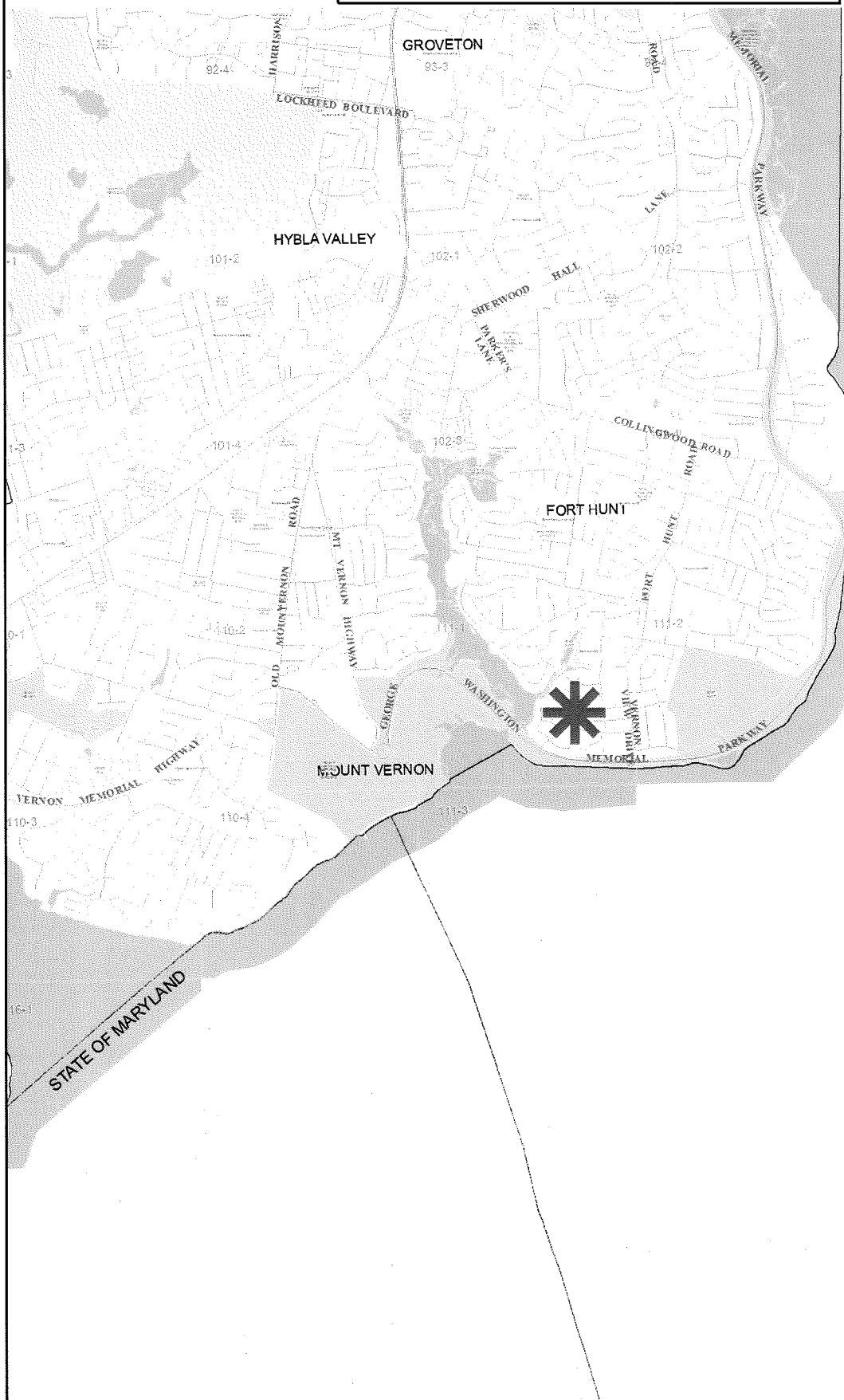


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

# Special Permit

SP 2013-MV-002

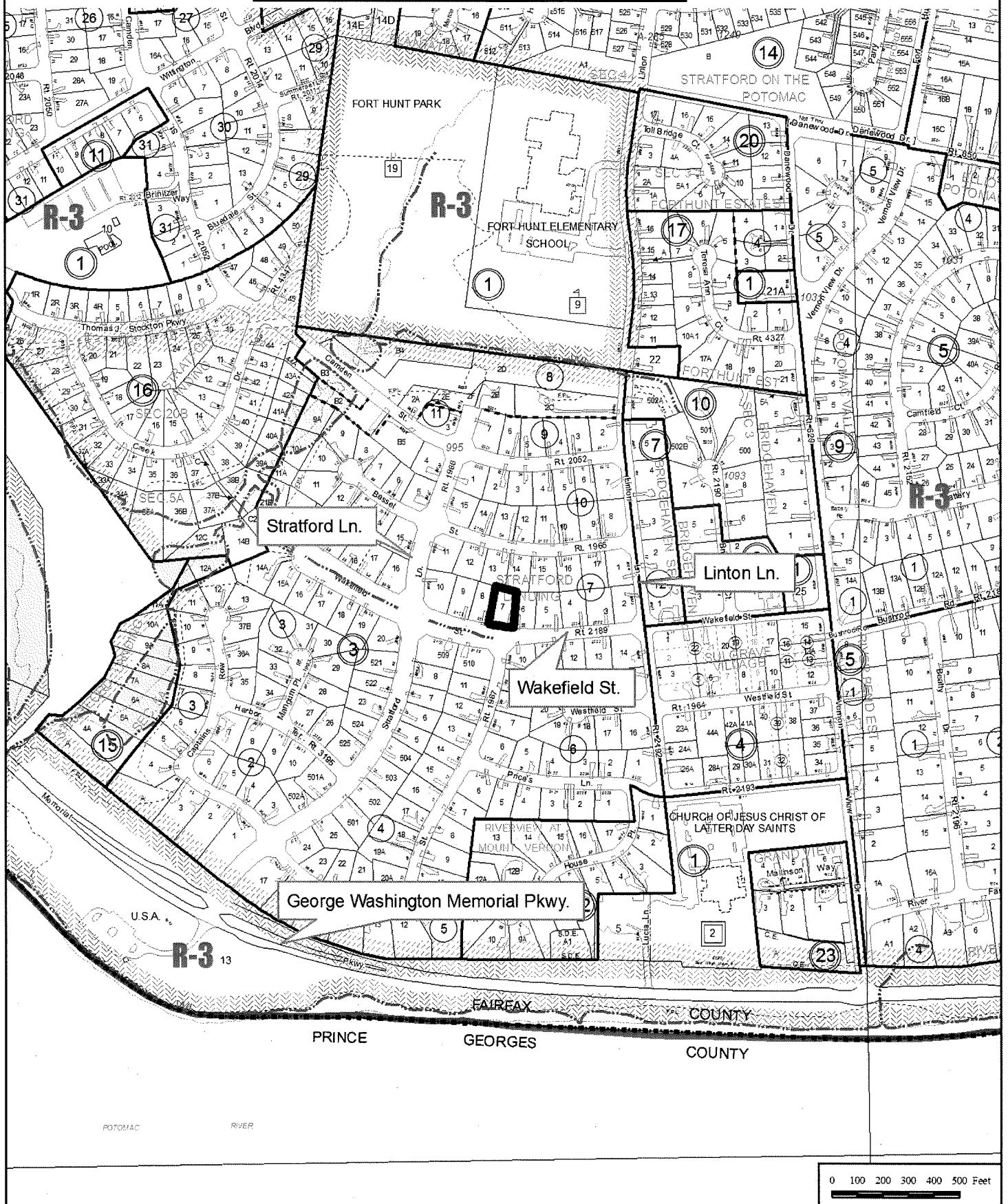
LUIS M. PEREZ



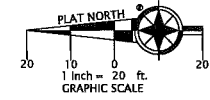
# Special Permit

SP 2013-MV-002

LUIS M. PEREZ







NOTES:

1. TAX MAP: 111-1-003-07-0007
2. ZONE: R-3 (RESIDENTIAL 3 DU/AC)
3. LOT AREA: 14,110 SF (0.3239 ACRE)
4. REQUIRED YARDS:  
FRONT: = 30.0 FEET  
SIDE: = 12.0 FEET  
REAR: = 25.0 FEET
5. HEIGHTS:  
EX DWELLING = 15.8 FEET  
EX CARPORT = 14.5 FEET  
EX WALLS = AS NOTED  
PROPOSED GARAGE = 14.5 FEET  
EX PLAYGROUND EQUIP. = 11.0 FEET  
EX FENCES = AS NOTED
6. THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
7. THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
8. ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING UNLESS DENOTED AS PROPOSED.
9. THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
10. TOPOGRAPHY DELINEATED HEREON WAS TAKEN FROM AVAILABLE RECORDS, IS SHOWN AT 2' INTERVALS, AND IS AERIAL.
11. THERE ARE IS A RESOURCE PROTECTION AREA ON THIS PROPERTY.
12. AREAS:  
EX. BASEMENT = 1,605 SF  
EX. FIRST FLOOR = 1,605 SF  
EX. SECOND FLOOR & ATTIC = 1,897 SF  
EX. GROSS FLOOR AREA = 4,457 SF  
EX. FLOOR AREA RATIO: EX. GFA (4457) / LOT AREA (14110) = 0.32  
EX. BASEMENT = 1,605 SF  
EX. FIRST FLOOR & PROP. GARAGE = 1,897 SF  
EX. SECOND FLOOR & ATTIC = 1,247 SF  
PROP. GROSS FLOOR AREA = 4,749 SF  
PROP. FLOOR AREA RATIO: PROP. GFA (4749) / LOT AREA (14110) = 0.34
13. THE EXISTING CARPORT WILL BE ENCLOSED TO MAKE A GARAGE.

PLAT

SHOWING THE IMPROVEMENTS ON  
LOT 7, BLOCK 7, SECTION THREE

STRATFORD LANDING

(DEED BOOK 1307, PAGE 334)

FAIRFAX COUNTY, VIRGINIA

MOUNT VERNON DISTRICT  
SEPTEMBER 25, 2012

SCALE: 1" = 20'

I HEREBY CERTIFY THAT THE PORTIONS OF  
ALL THE EXISTING IMPROVEMENTS HAVE BEEN  
CAREFULLY ESTABLISHED BY A CURRENT FIELD  
SURVEY AND THAT THE SAME ARE IN ACCORD  
WITH THE RECORDS OF FAIRFAX COUNTY, VIRGINIA  
AND THE VISIBLE ENCUMBRANCES AS OF THIS DATE.

THIS PLAT IS SUBJECT TO  
RESTRICTIONS OF RECORD.  
A TITLE REPORT WAS NOT FURNISHED.  
NO CORNER MARKERS SET.

CASE NAME:

LUIS M. PEREZ  
ANGELA M. PEREZ

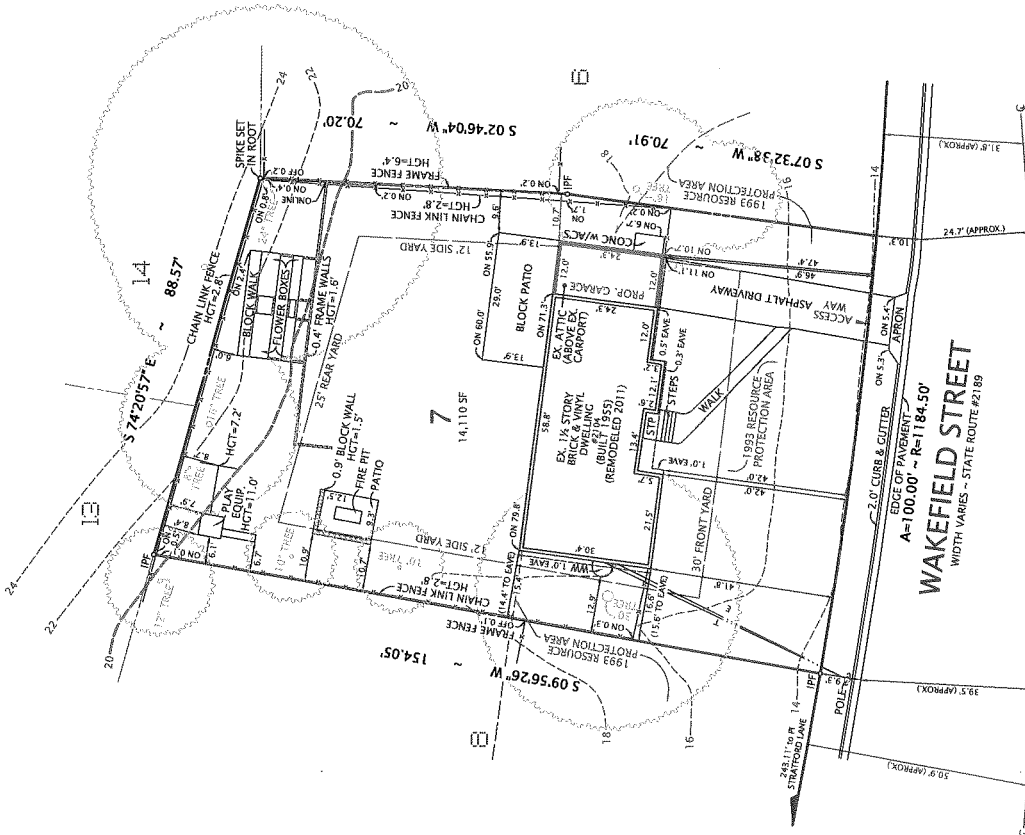
**DOMINION** Surveyors  
INC.

8808-H PEAR TREE VILLAGE COURT  
ALEXANDRIA, VIRGINIA 22309  
FAX: 703-799-8412



#110926007-1

#87-12



PLAYGROUND EQUIP. AND FIRE PIT







REAR OF DWELLING

REAR OF DWELLING

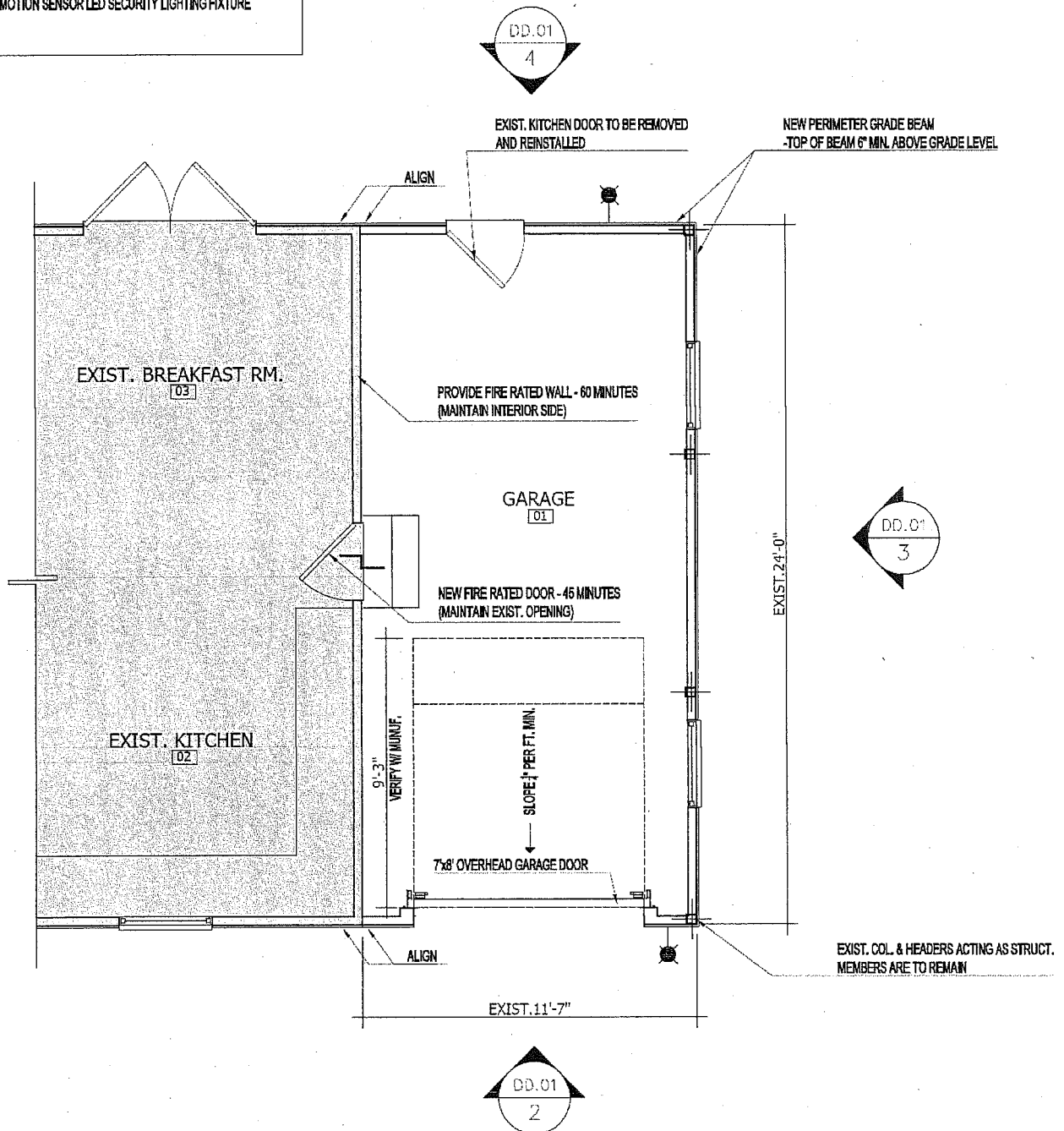
CAR PORT

FRONT OF DWELLING

# LEGEND

-  NEW WALL
-  ALIGNMENT INDICATOR
-  FLOOR LEVEL CHANGES
-  FLOOR TRANSITION STRIP AT ALL FLOOR CHANGES
-  EXISTING CONSTRUCTION TO REMAIN & NOT IN CONTRACT
-  MOTION SENSOR LED SECURITY LIGHTING FIXTURE







## ARCHITECT'S RENDITION (1 of 4)



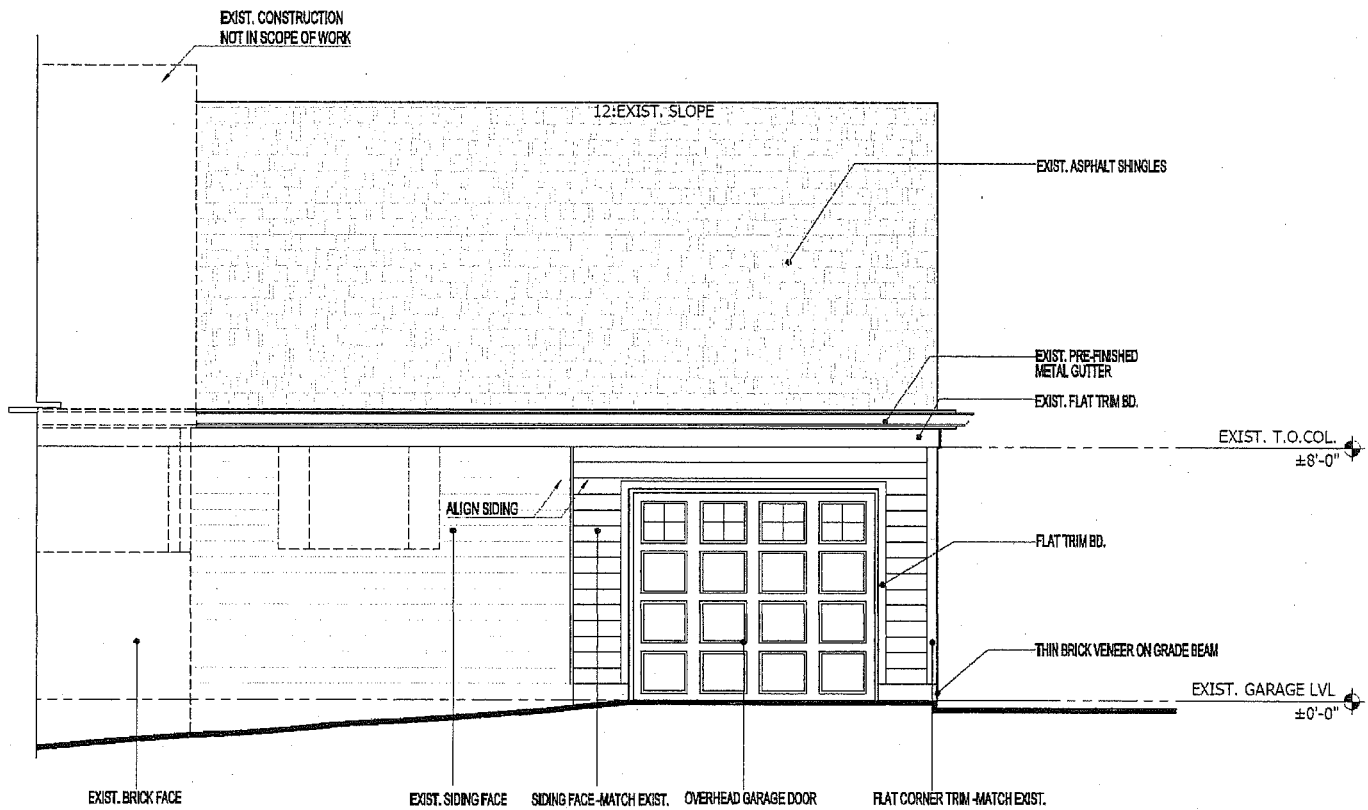
### 1 FLOOR PLAN

DD.01 SCALE: 1/4" = 1'-0"

## LEGEND







-  NEW WALL
-  ALIGNMENT INDICATOR
-  FLOOR LEVEL CHANGES
-  FLOOR TRANSITION STRIP AT ALL FLOOR CHANGES
-  EXISTING CONSTRUCTION TO REMAIN & NOT IN CONTRACT
-  MOTION SENSOR LED SECURITY LIGHTING FIXTURE

## ARCHITECT'S RENDITION (2 of 4)

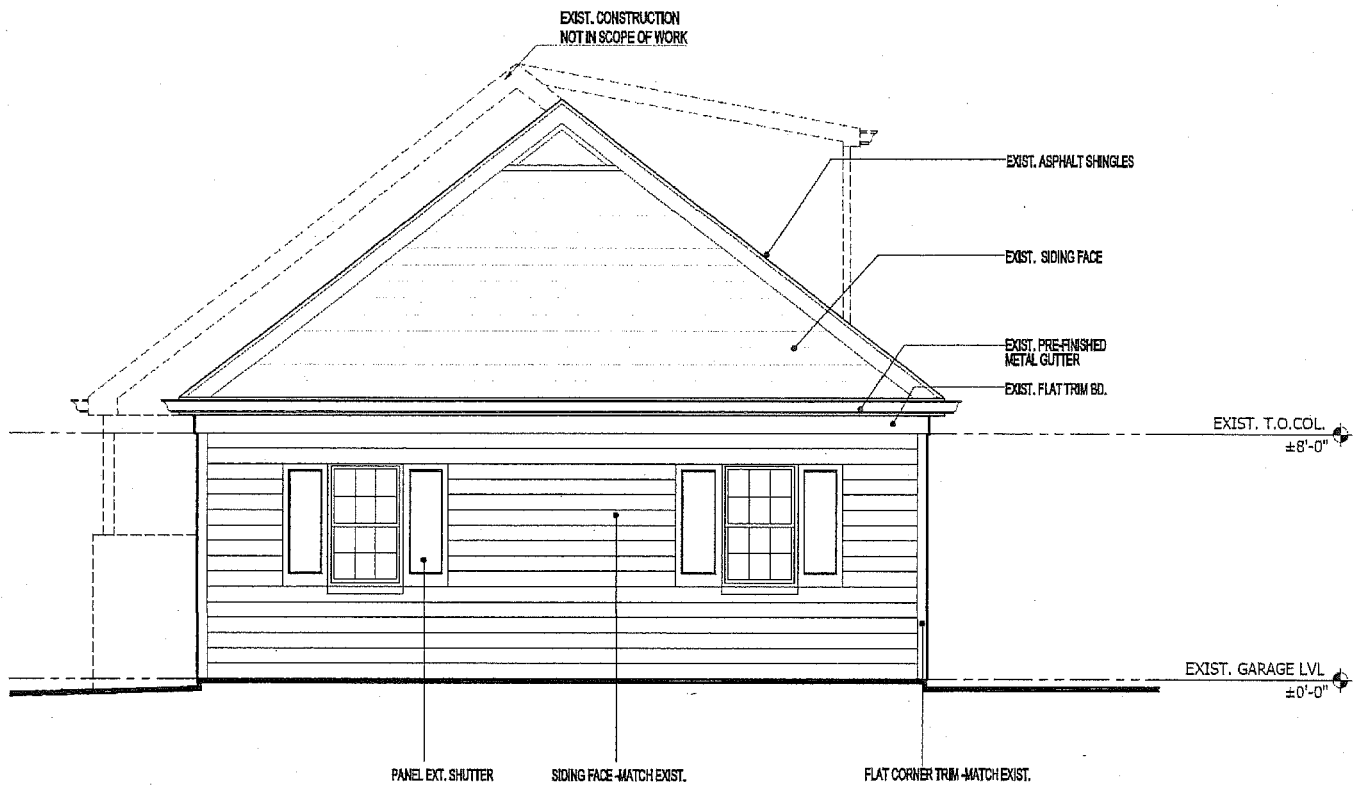


**2 FRONT ELEVATION**  
 DD.01 SCALE: 1/4" = 1'-0"

## LEGEND

- |   |   |
|---|---|
|  | NEW WALL  |
|  | ALIGNMENT INDICATOR                               |
|  | FLOOR LEVEL CHANGES                               |
|  | FLOOR TRANSITION STRIP AT ALL FLOOR CHANGES       |
|  | EXISTING CONSTRUCTION TO REMAIN & NOT IN CONTRACT |
|  | MOTION SENSOR LED SECURITY LIGHTING FIXTURE       |







### ARCHITECT'S RENDITION (3 of 4)



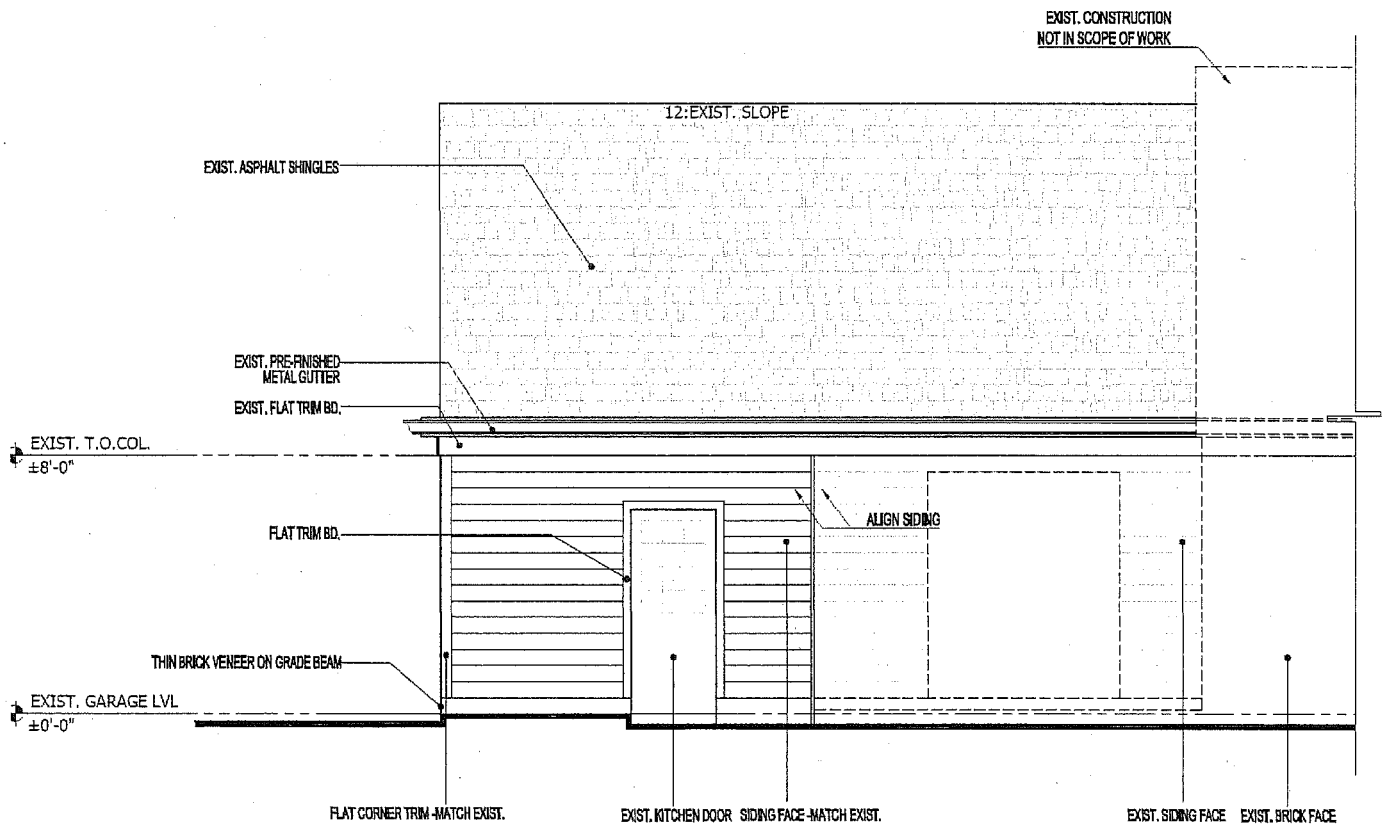
### 3 LEFT SIDE ELEVATION

DD.01 SCALE: 1/4" = 1'-0"

## LEGEND

-  NEW WALL
-  ALIGNMENT INDICATOR
-  FLOOR LEVEL CHANGES
-  FLOOR TRANSITION STRIP AT ALL FLOOR CHANGES
-  EXISTING CONSTRUCTION TO REMAIN & NOT IN CONTRACT
-  MOTION SENSOR LED SECURITY LIGHTING FIXTURE

## ARCHITECT'S RENDITION (4 of 4)



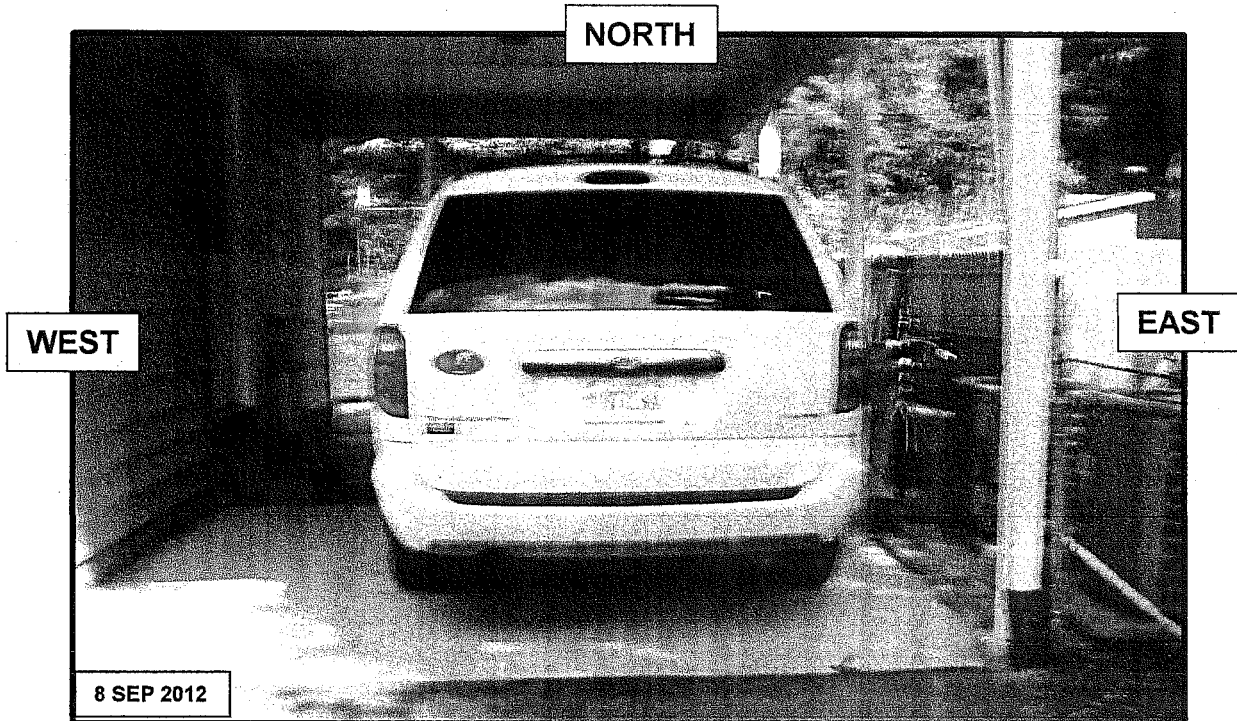
4

REAR ELEVATION

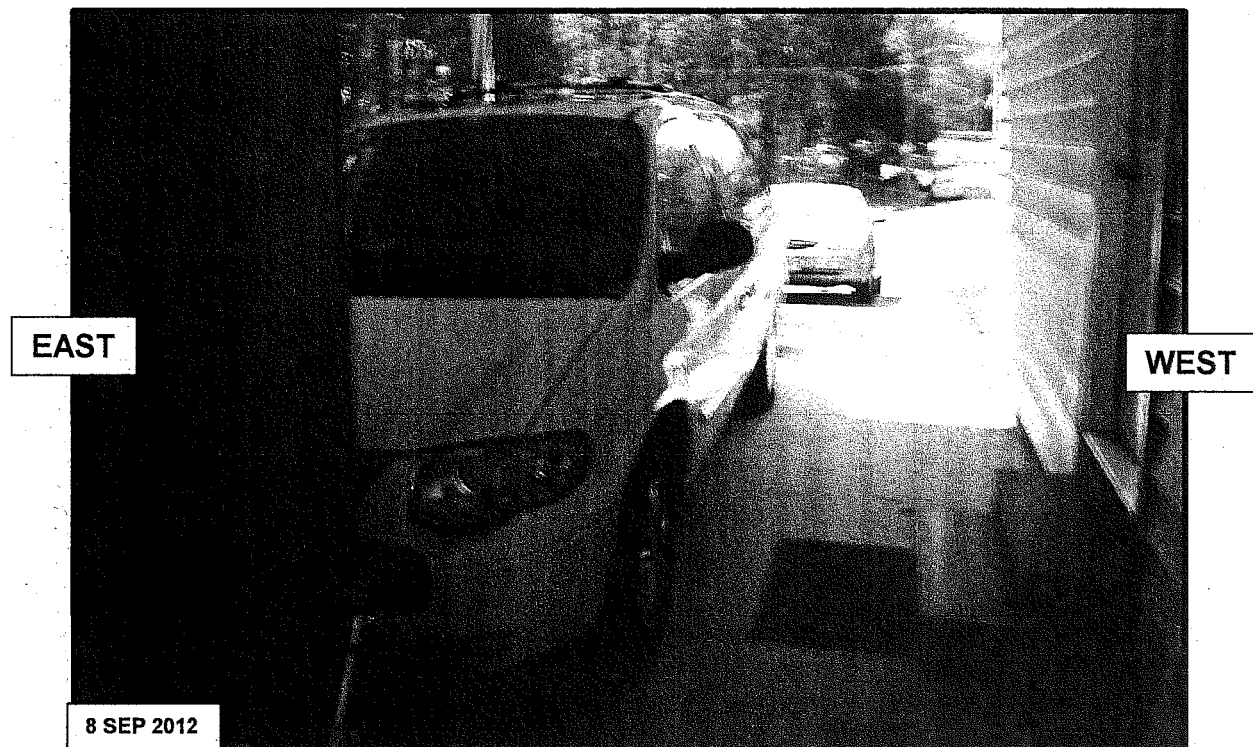
DD.01

SCALE: 1/4" = 1'-0"

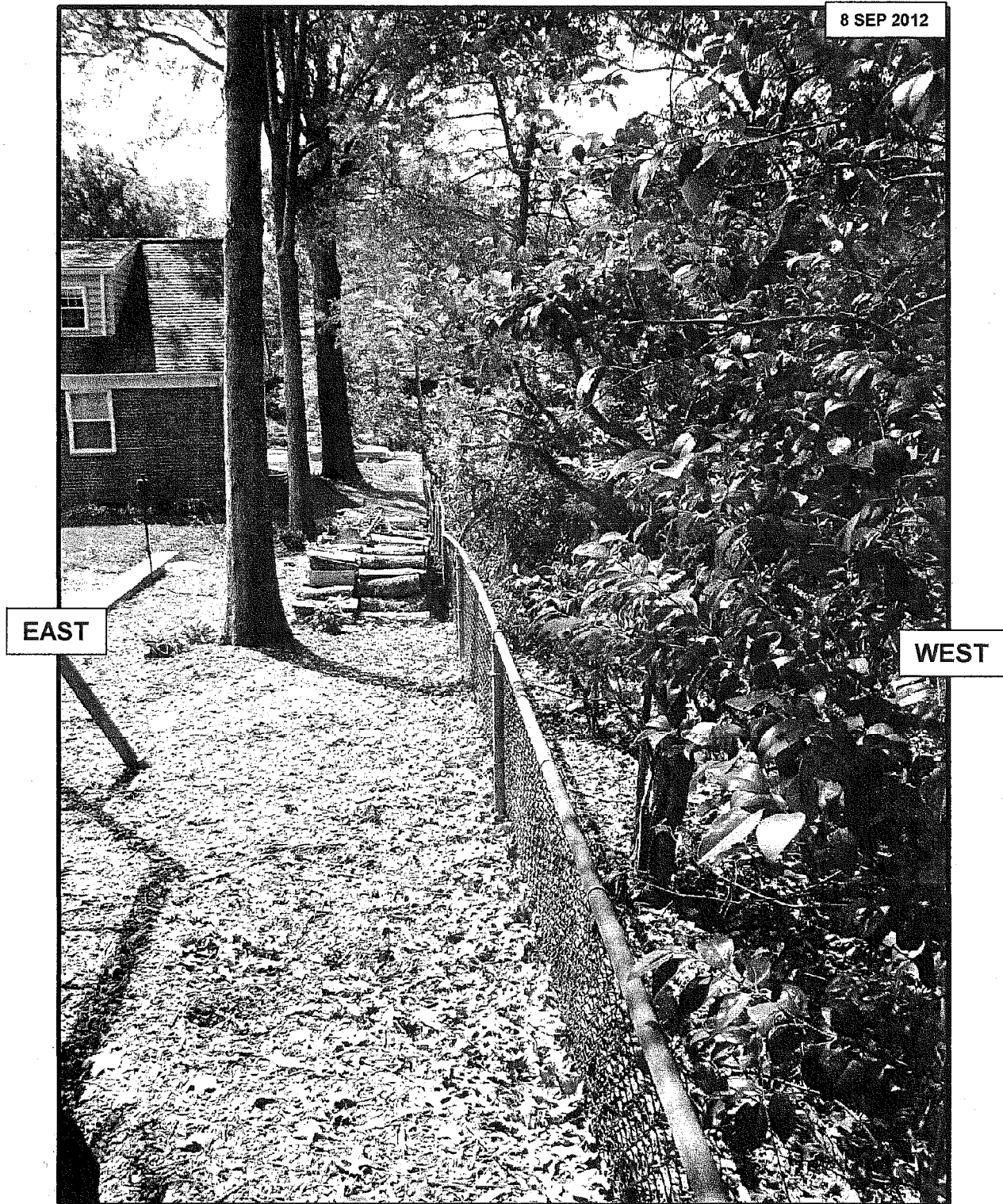
## SAFETY CONCERNS



These pictures show that even when a car is parked towards the outer edge of the carport, there is limited space between the car and the side entrance of the house. Bringing the outer east wall of the garage inwards to meet the requirements of the Zoning Ordinance would force the vehicle to be parked closer to the entrance steps, thus creating a safety hazard.



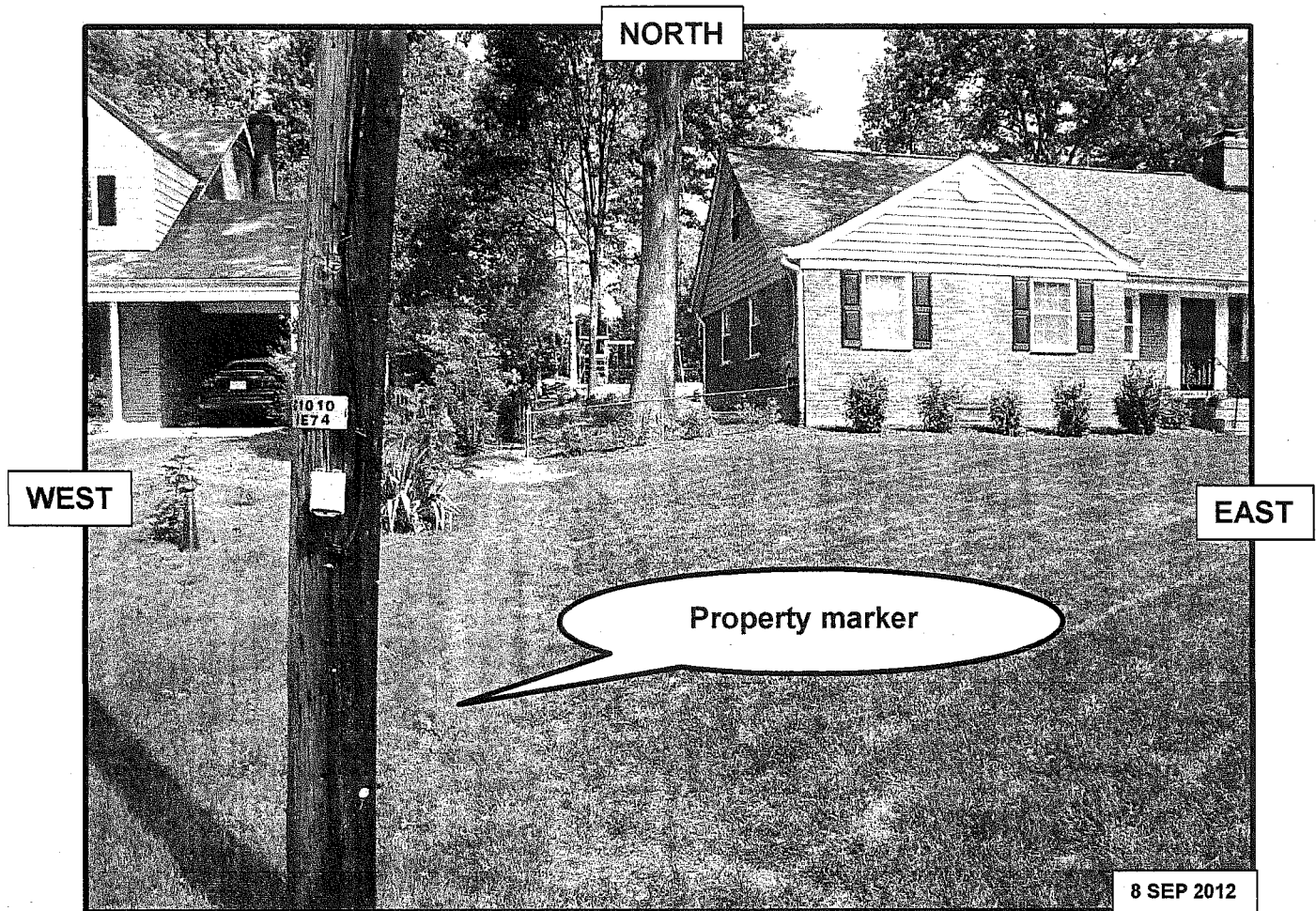
## WEST PROPERTY LINE



West property line looking south. Picture taken from the NW corner of the chain link fence just inside the property marker.



## WEST PROPERTY LINE



West property line looking north. Picture taken from the street at the SW corner of the property.

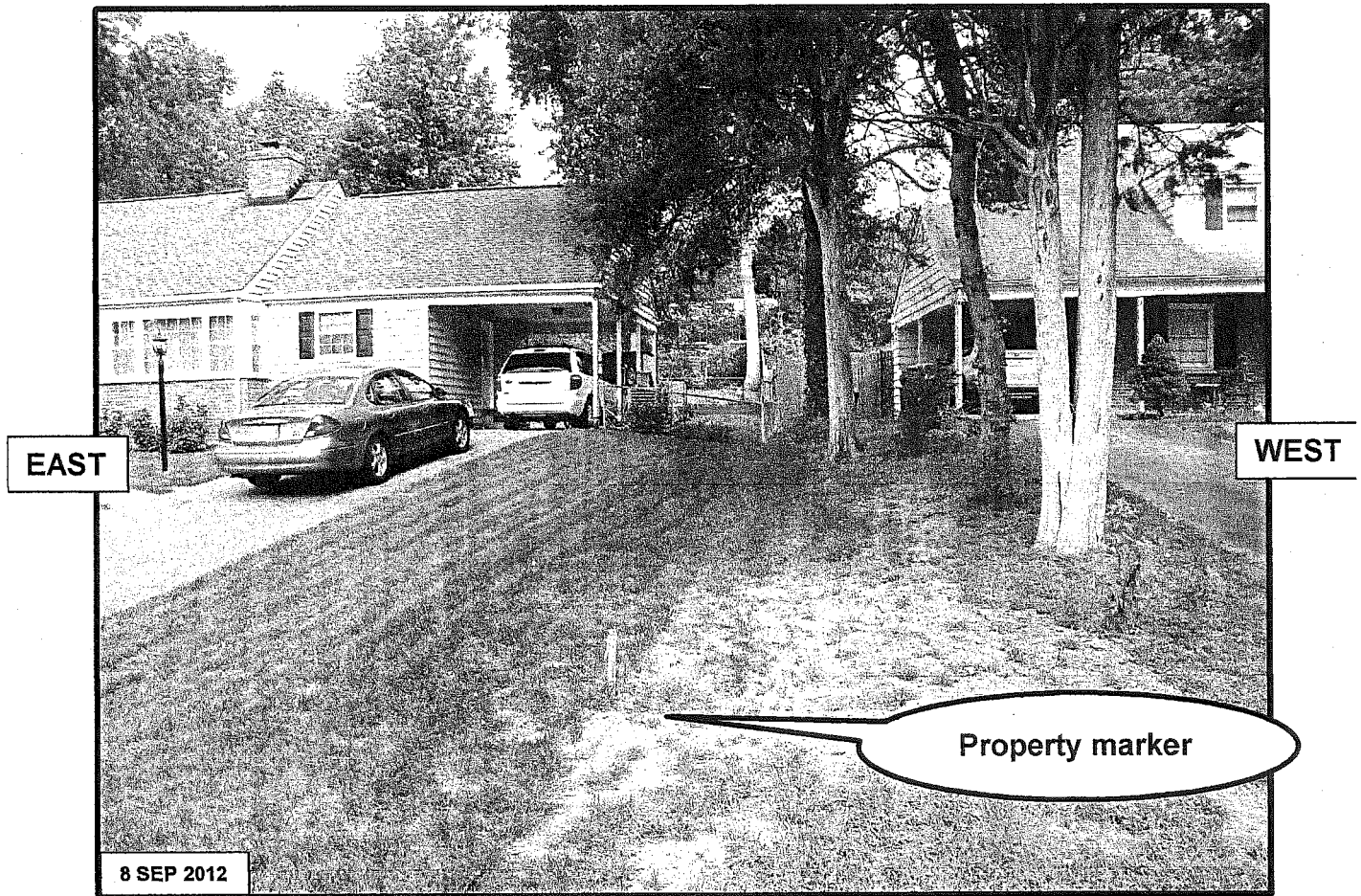


## EAST PROPERTY LINE



East property line facing south. Picture taken from just in front of the tree in which the NE corner stake is buried.

## EAST PROPERTY LINE



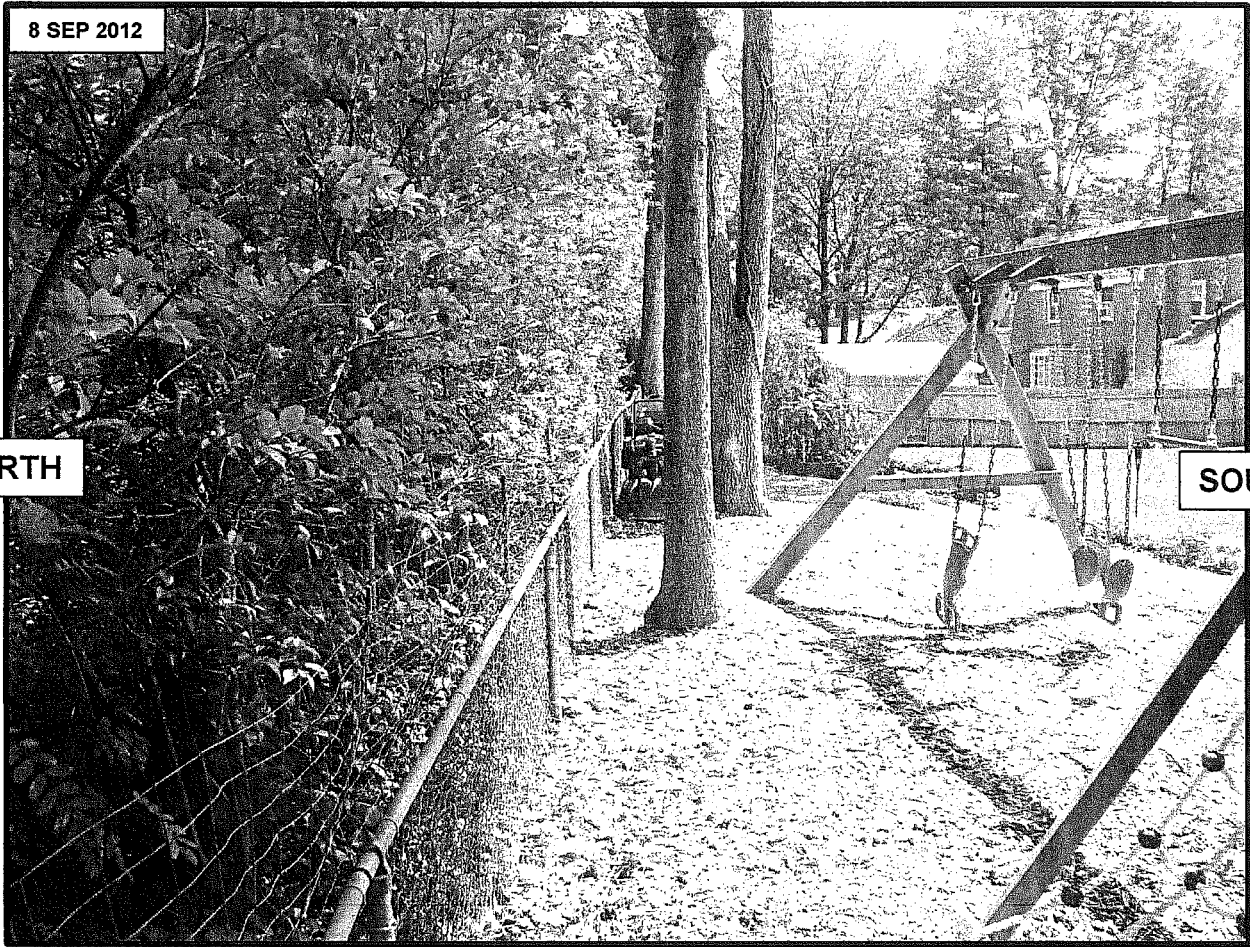
East property line facing north. Picture taken from the street.

## NORTH PROPERTY LINE

8 SEP 2012

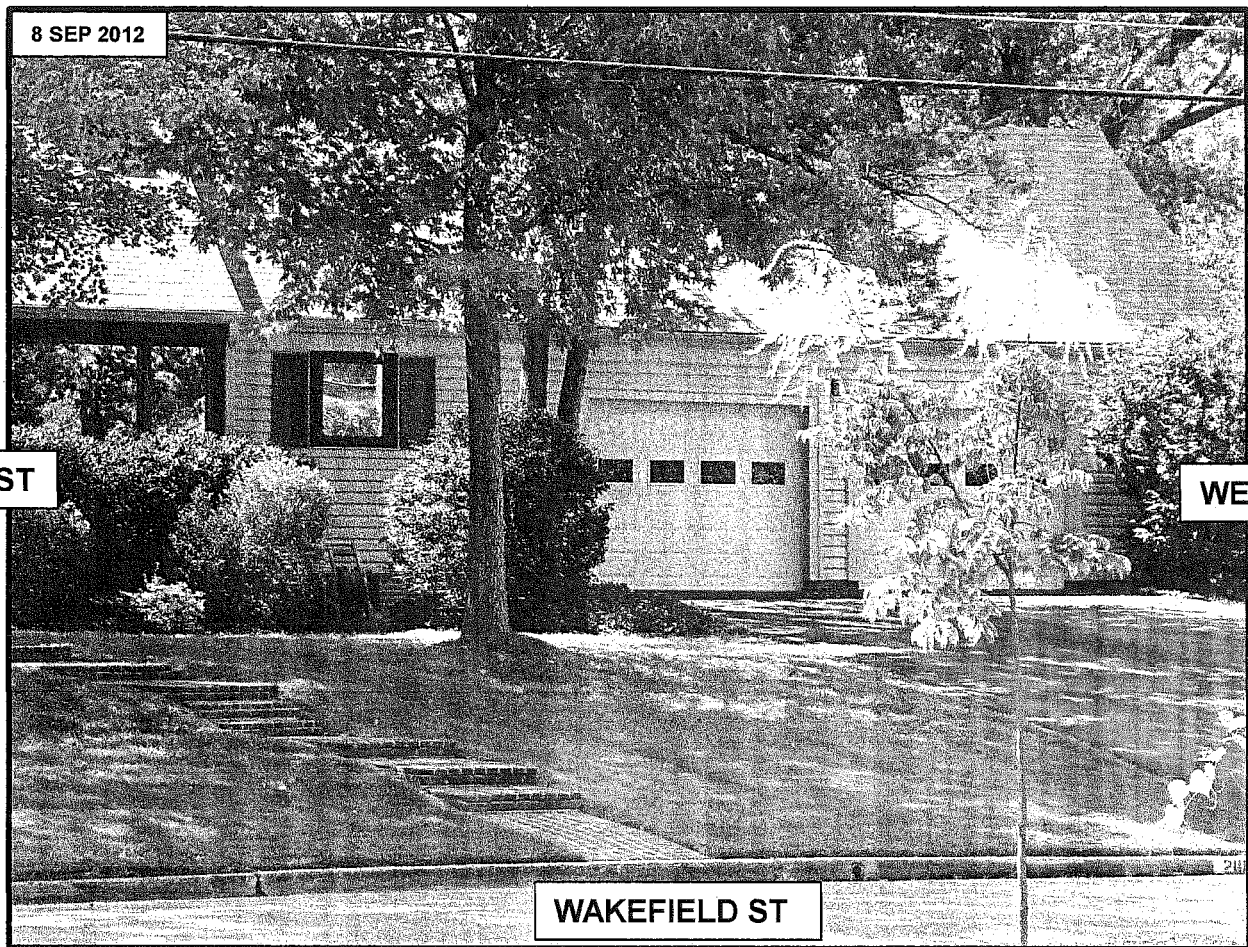
NORTH

SOUTH

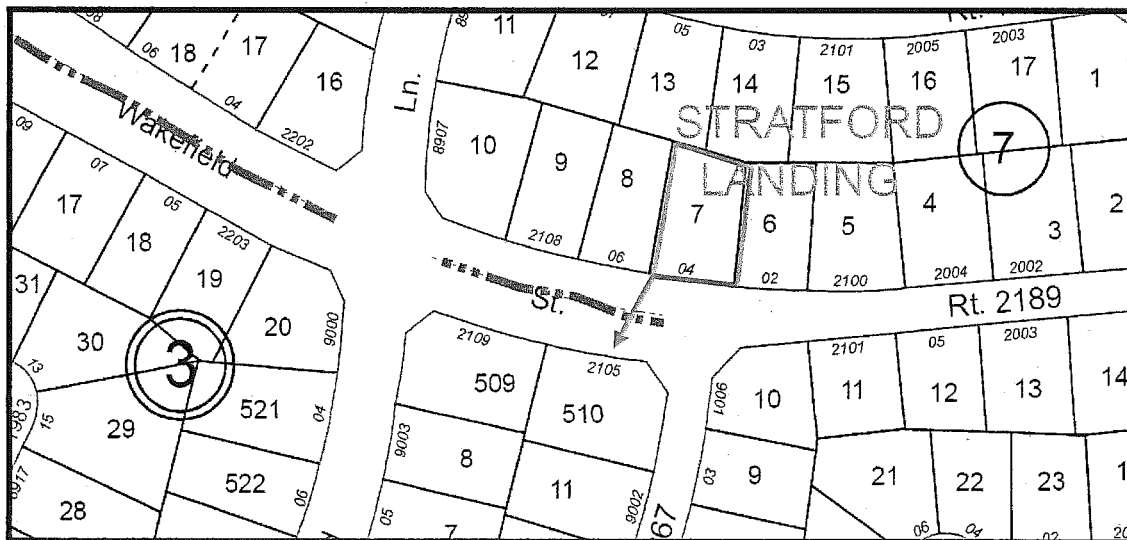


North property line facing east. Picture taken from the NW corner of the chain link fence just inside the property marker.

## NEIGHBORHOOD CHARACTER (1 of 7)

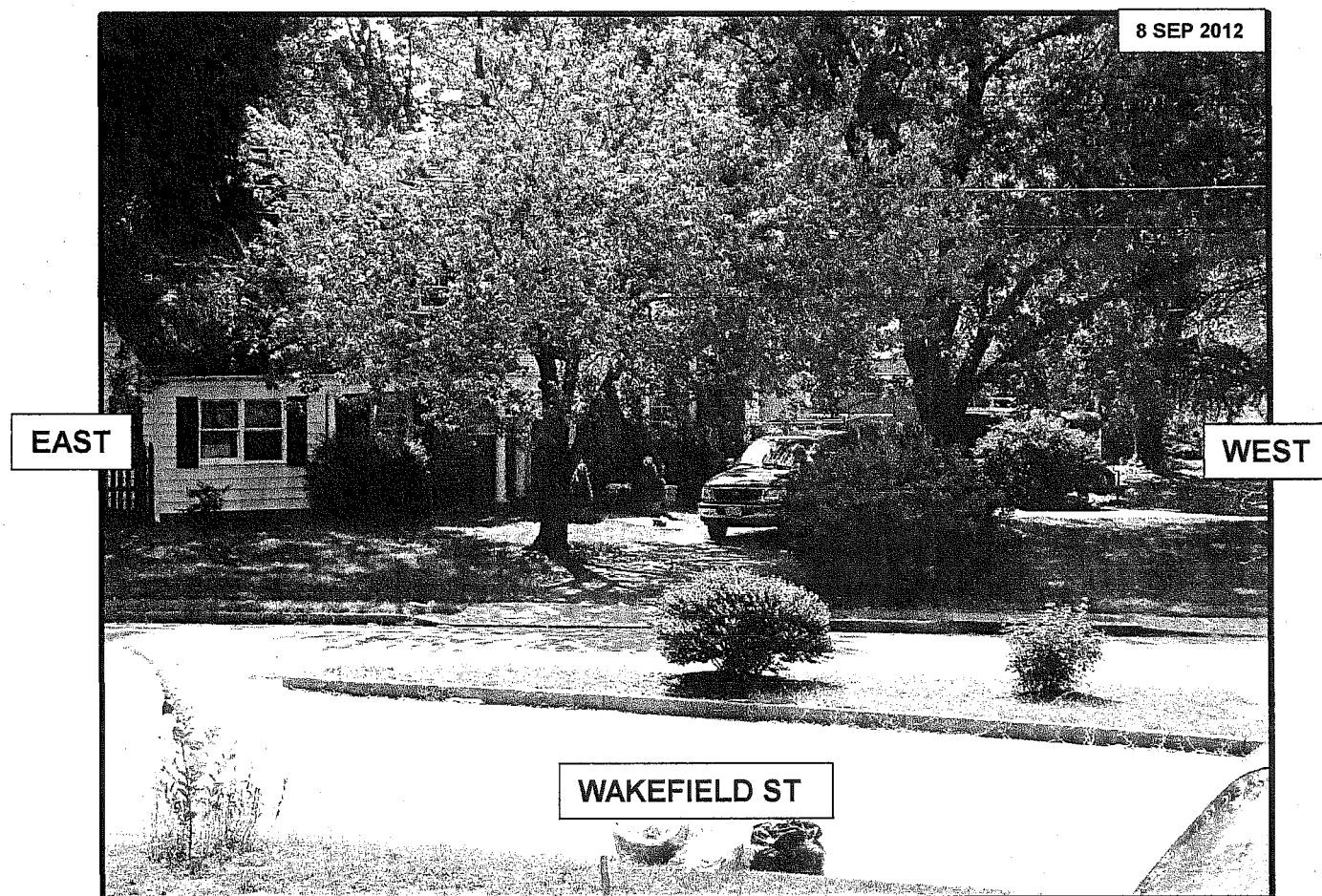


House immediately across the street from the subject property on the southwest corner of Wakefield and Greylock. This house is the same model as the subject property, but has been modified with a two car garage.

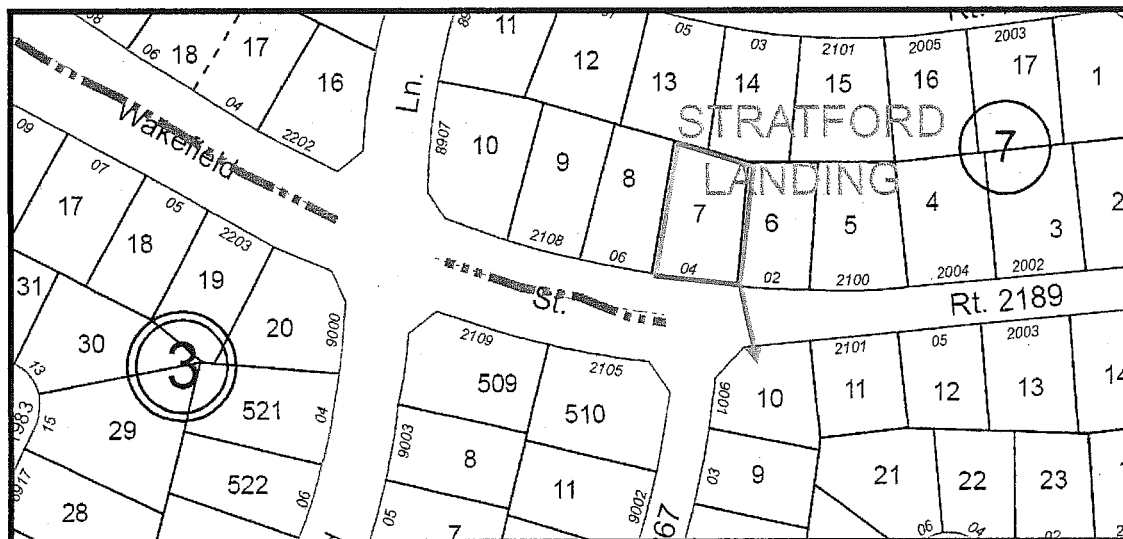




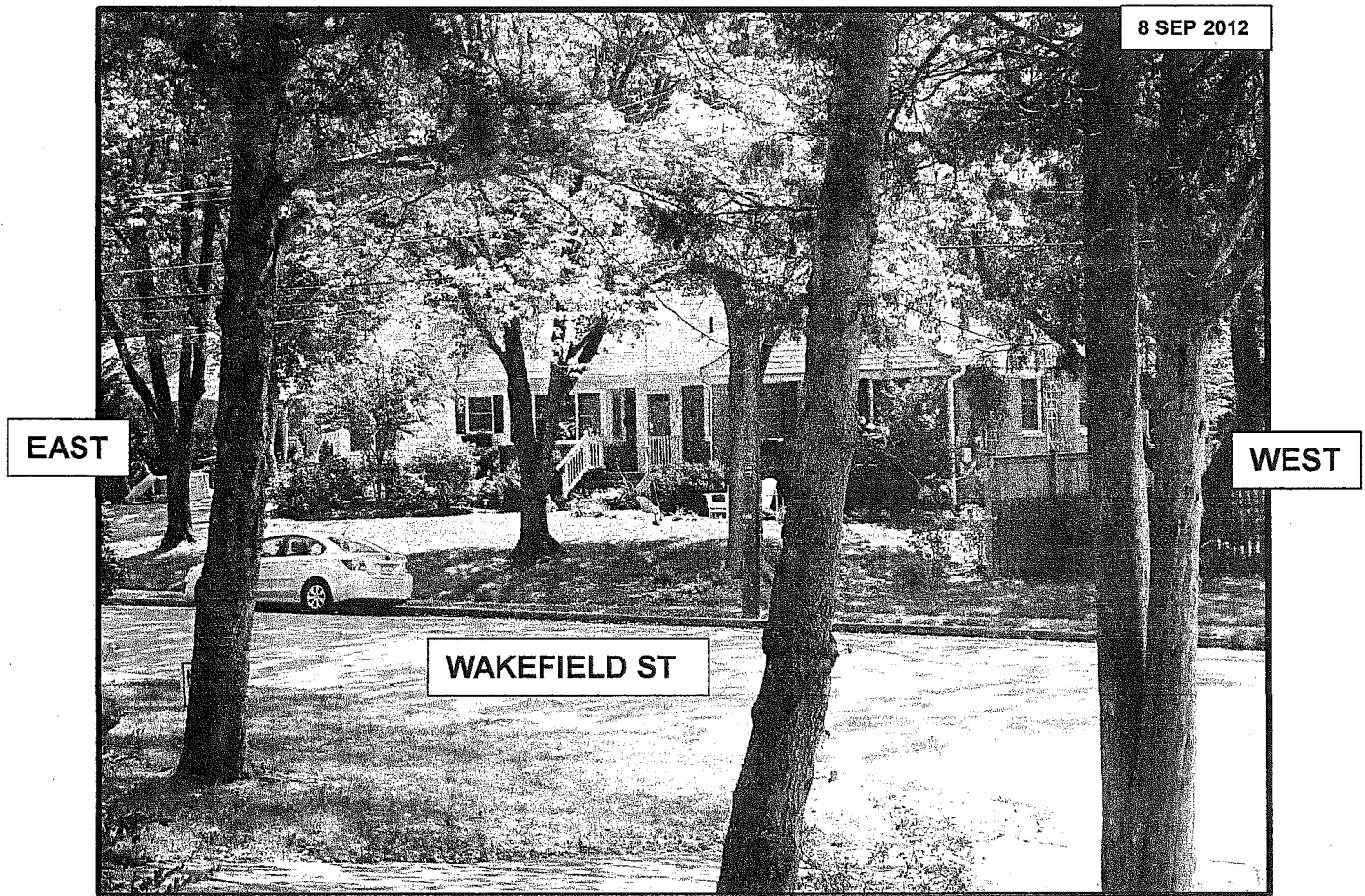
## NEIGHBORHOOD CHARACTER (2 of 7)



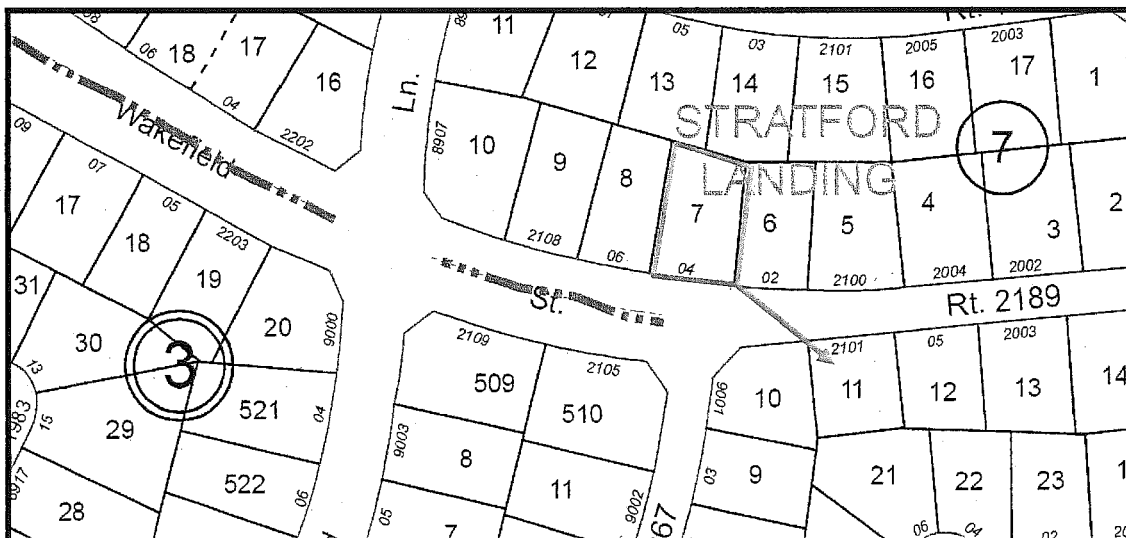
**House immediately across the street from the subject property on the SE corner of Wakefield and Greylock.**



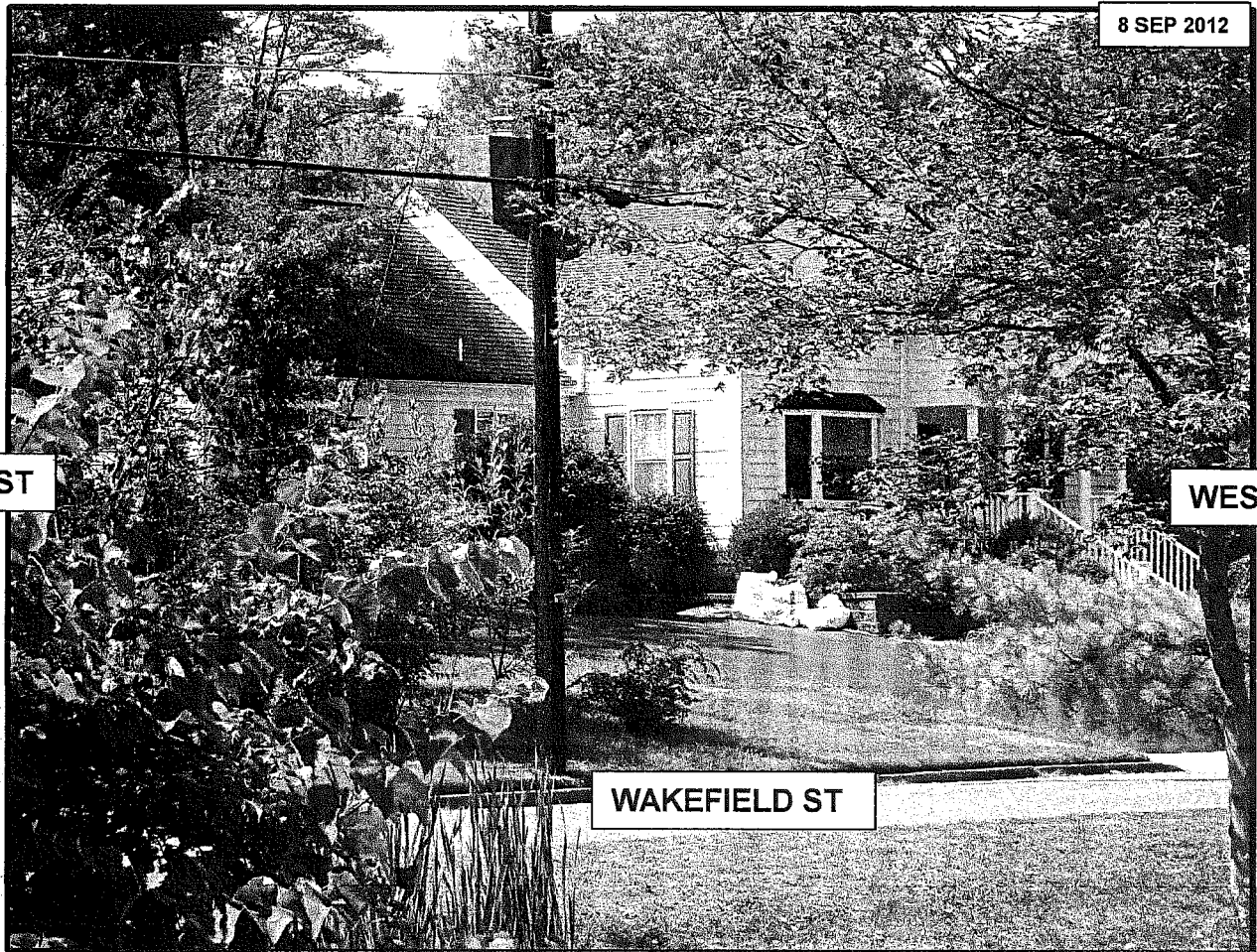
## NEIGHBORHOOD CHARACTER (3 of 7)



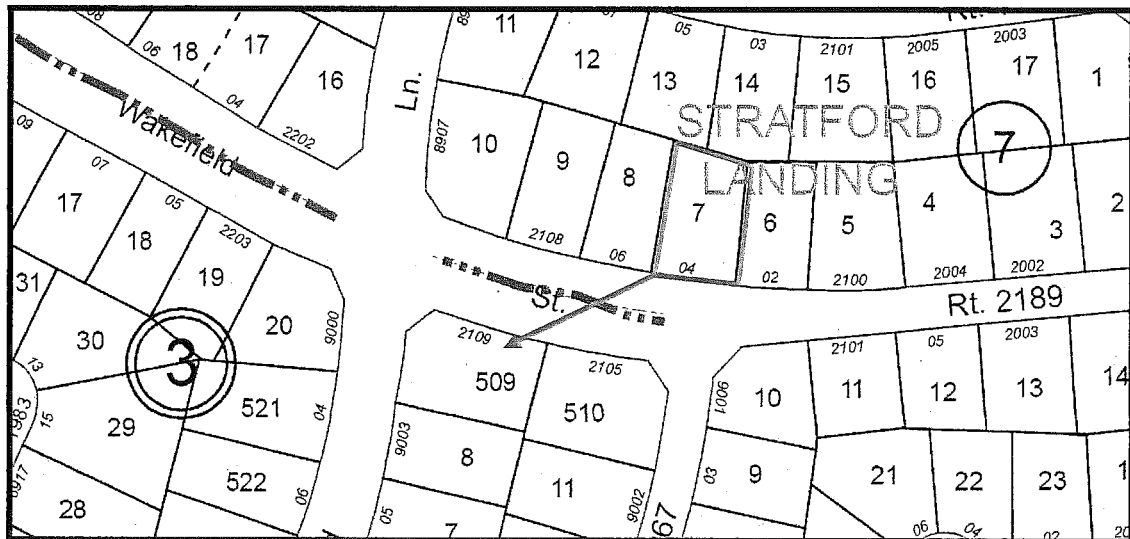
House across the street from the subject property at a SE diagonal. It is the second house from the SE corner of Wakefield and Greylock. This house is the same model as the subject property, but the carport has been enclosed as living space.



## NEIGHBORHOOD CHARACTER (4 of 7)



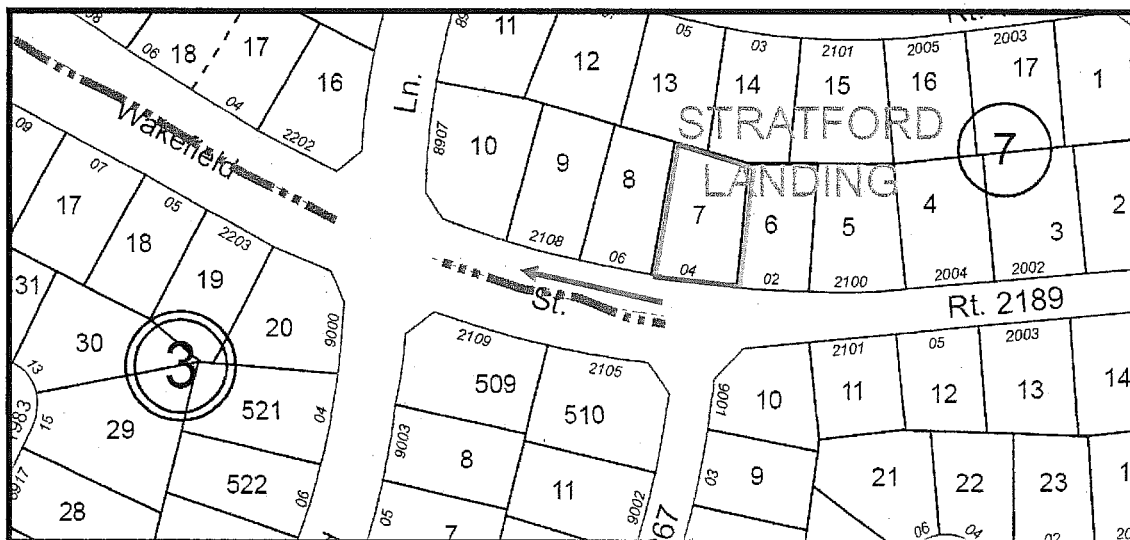
House across the street from the subject property at a SW diagonal. It is the second house from the SW corner of Wakefield and Greylock. It is the same model as the subject property, but has been modified with an addition in front, a garage and an expanded driveway.



## NEIGHBORHOOD CHARACTER (5 of 7)



Wakefield Street facing west. Picture taken from in front of the subject property.





## NEIGHBORHOOD CHARACTER (6 of 7)

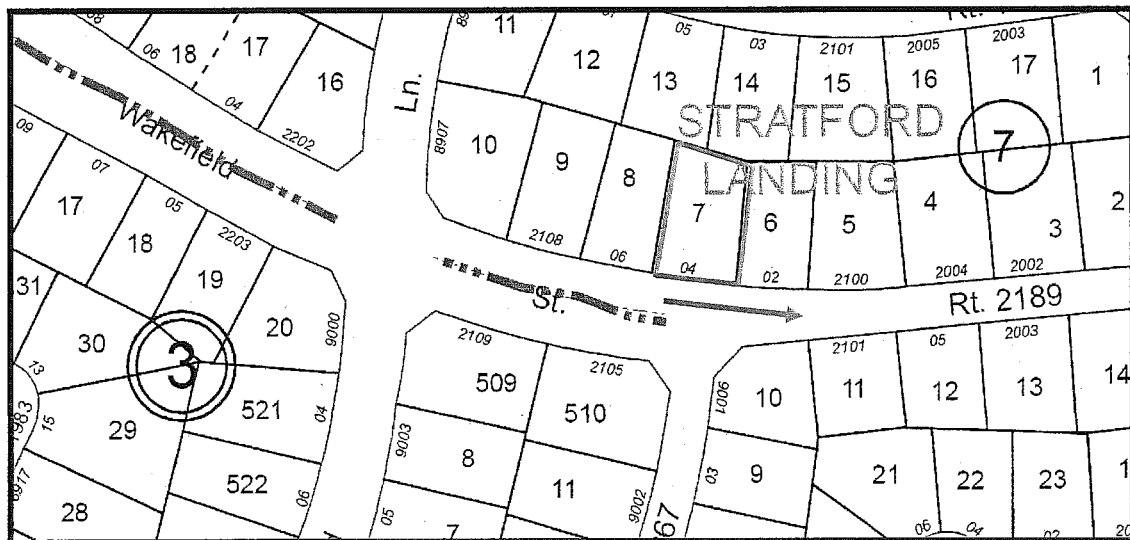
8 SEP 2012

NORTH

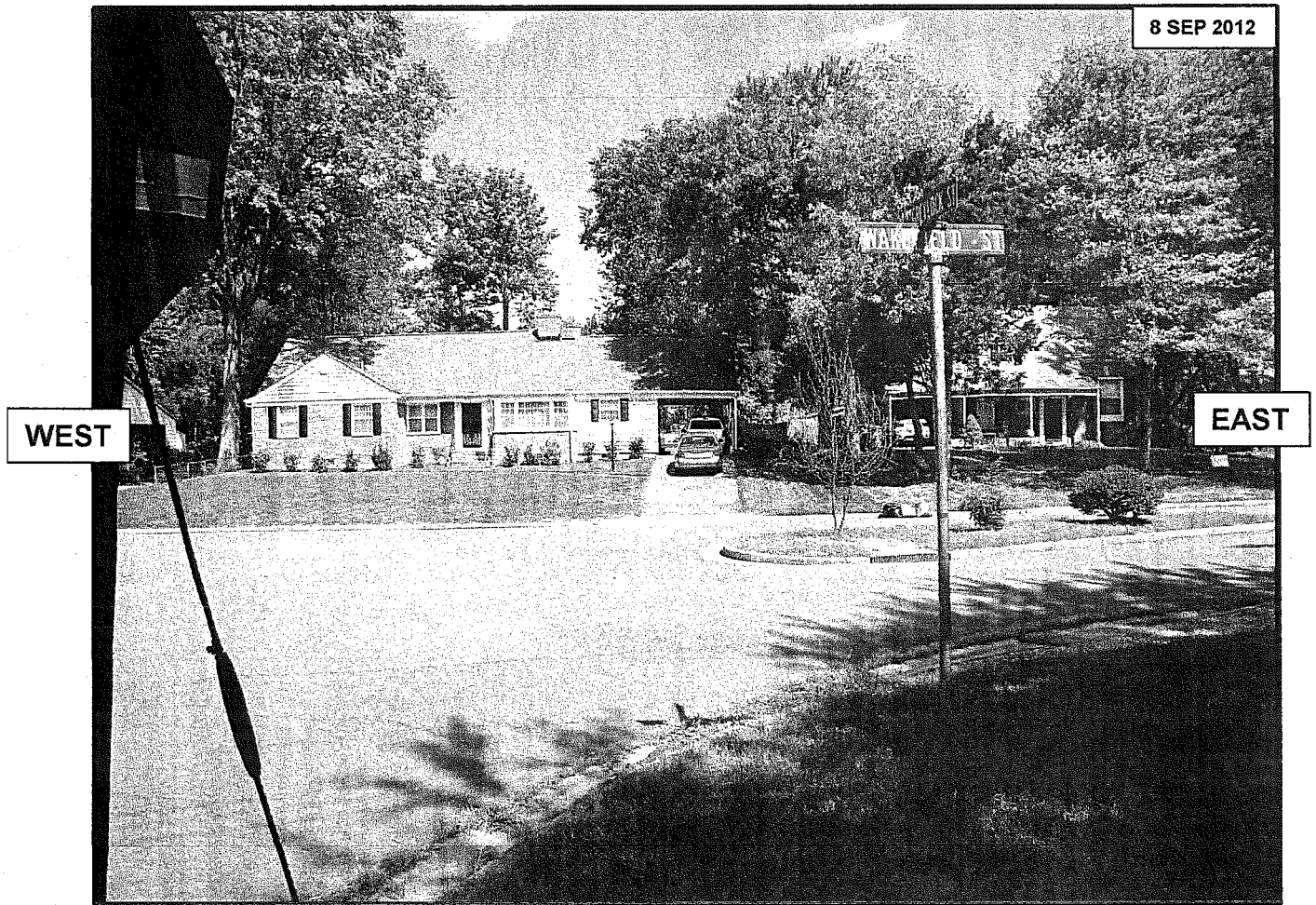
SOUTH

WAKEFIELD ST

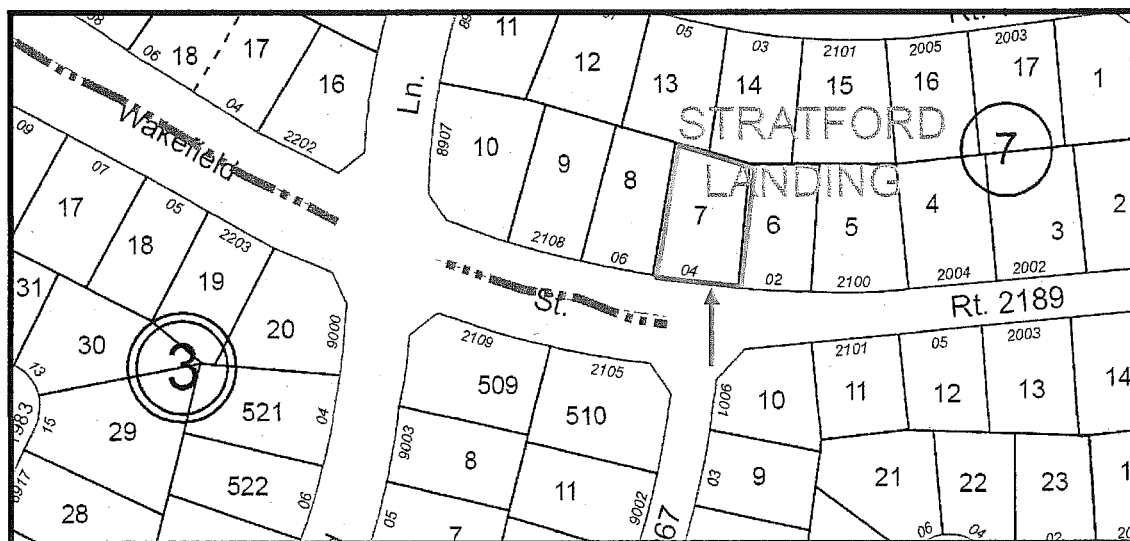
Wakefield Street facing east. Picture taken from in front of the subject property.



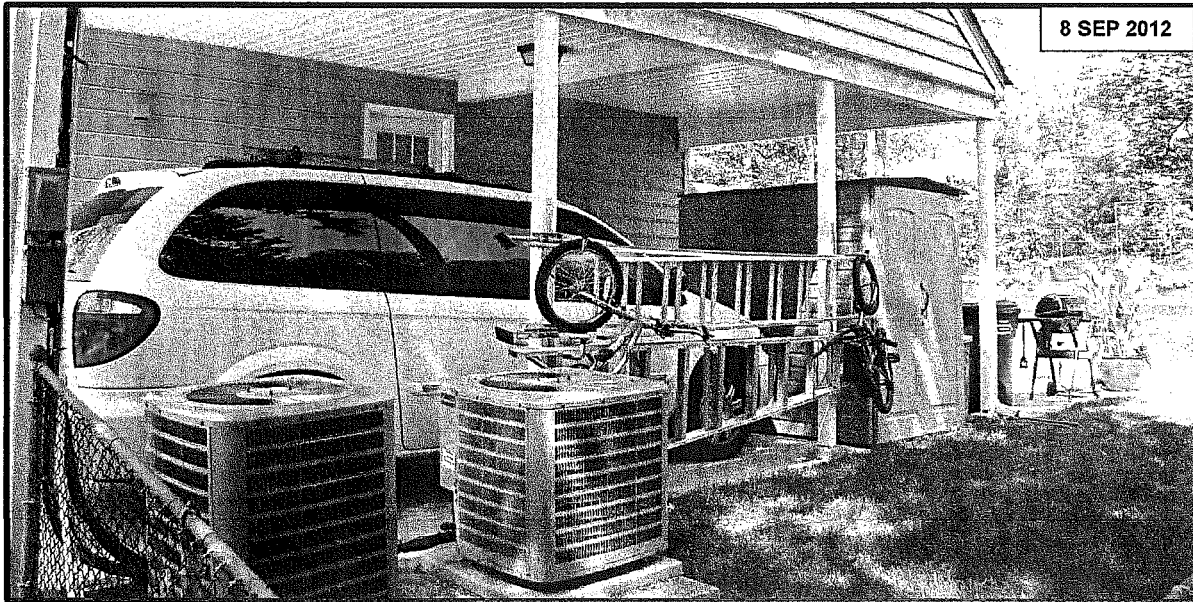
## NEIGHBORHOOD CHARACTER (7 of 7)



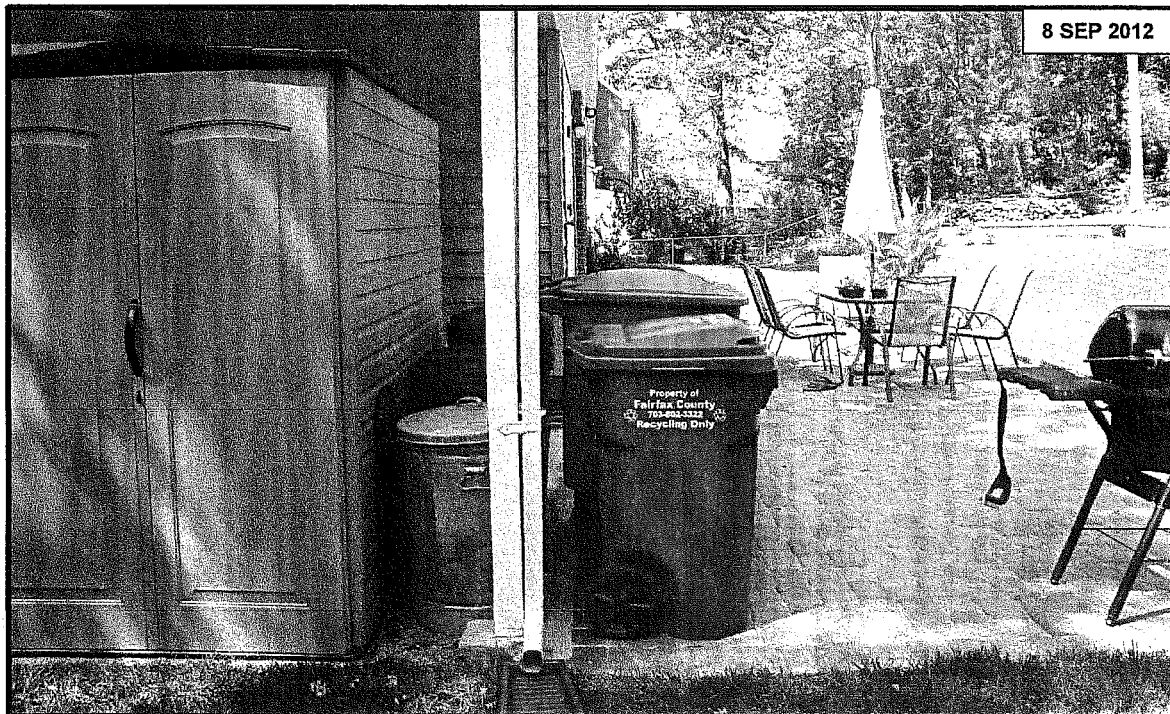
Intersection of Greylock and Wakefield facing the subject property.



## UNSIGHTLY APPEARANCE AND STORAGE SPACE

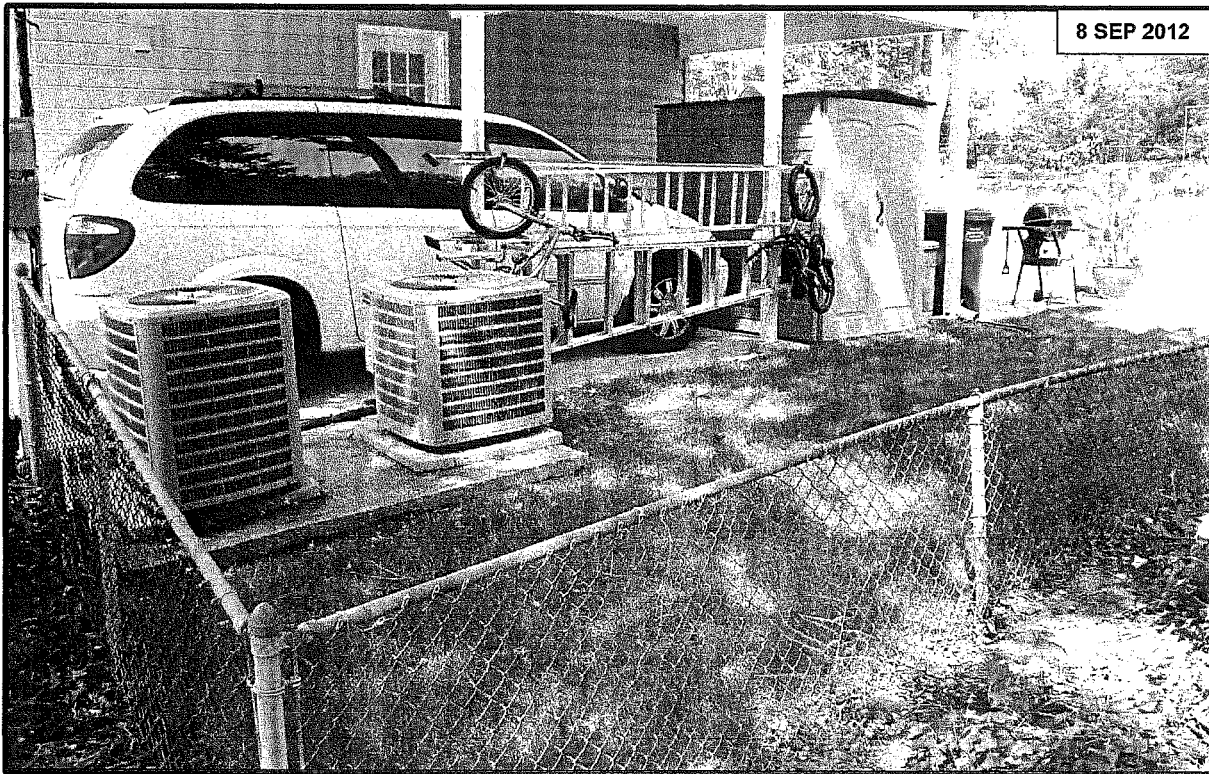


These pictures show exposed items that make the property appear unsightly. With an enclosed garage, these items would be concealed from public view. Also, the interior walls of the garage would provide ample storage space while protecting the lawnmower and other motorized equipment from the elements. Storage within a garage would obviate the need to build a shed. To customize a detached shed so that it is in harmony with the dwelling would not only be costly, but also reduce the amount of space elsewhere on the lot to be used for other purposes.

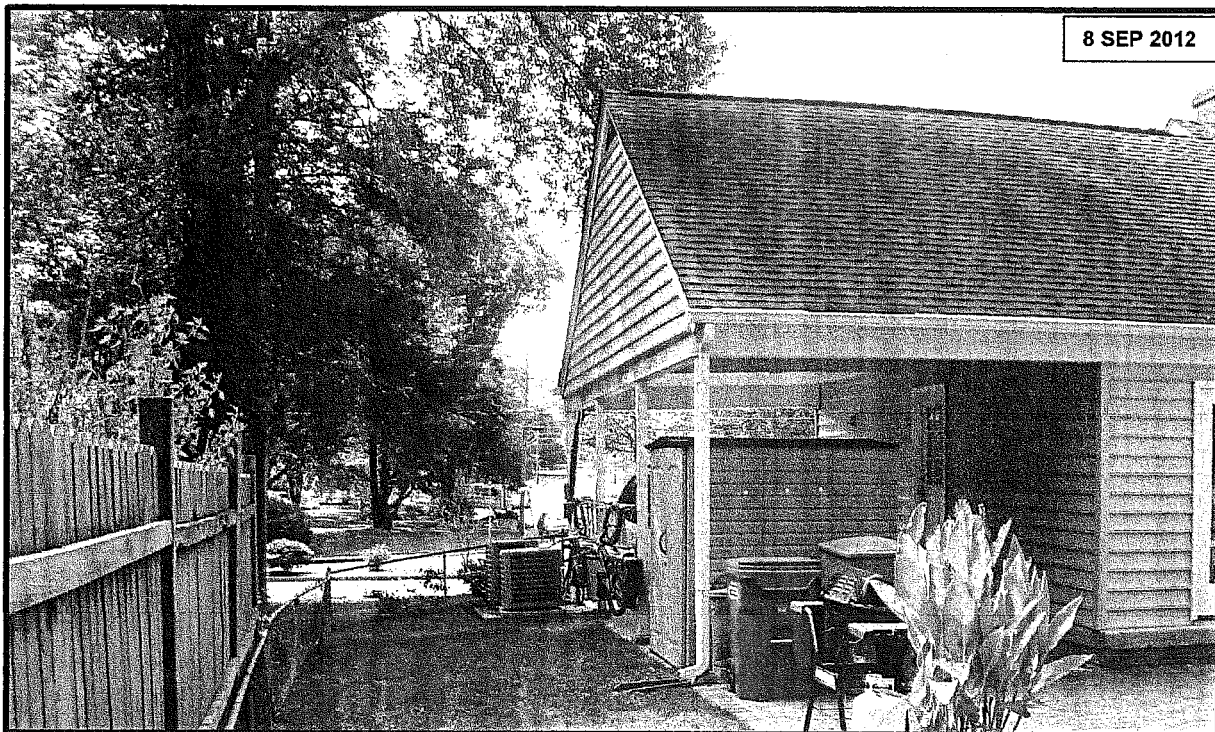




## IMMEDIATE NEIGHBOR'S PERSPECTIVE



The picture above provides a perspective from the neighbor's property. The picture below provides a better perspective of the vertical plane of the east face of the attic and the carport. Enclosing the carport under the 1955 outline of the attic would in no way encroach on the buffer zone that exists between the two houses. Neighbor would not be affected by the granting of the Special Permit.



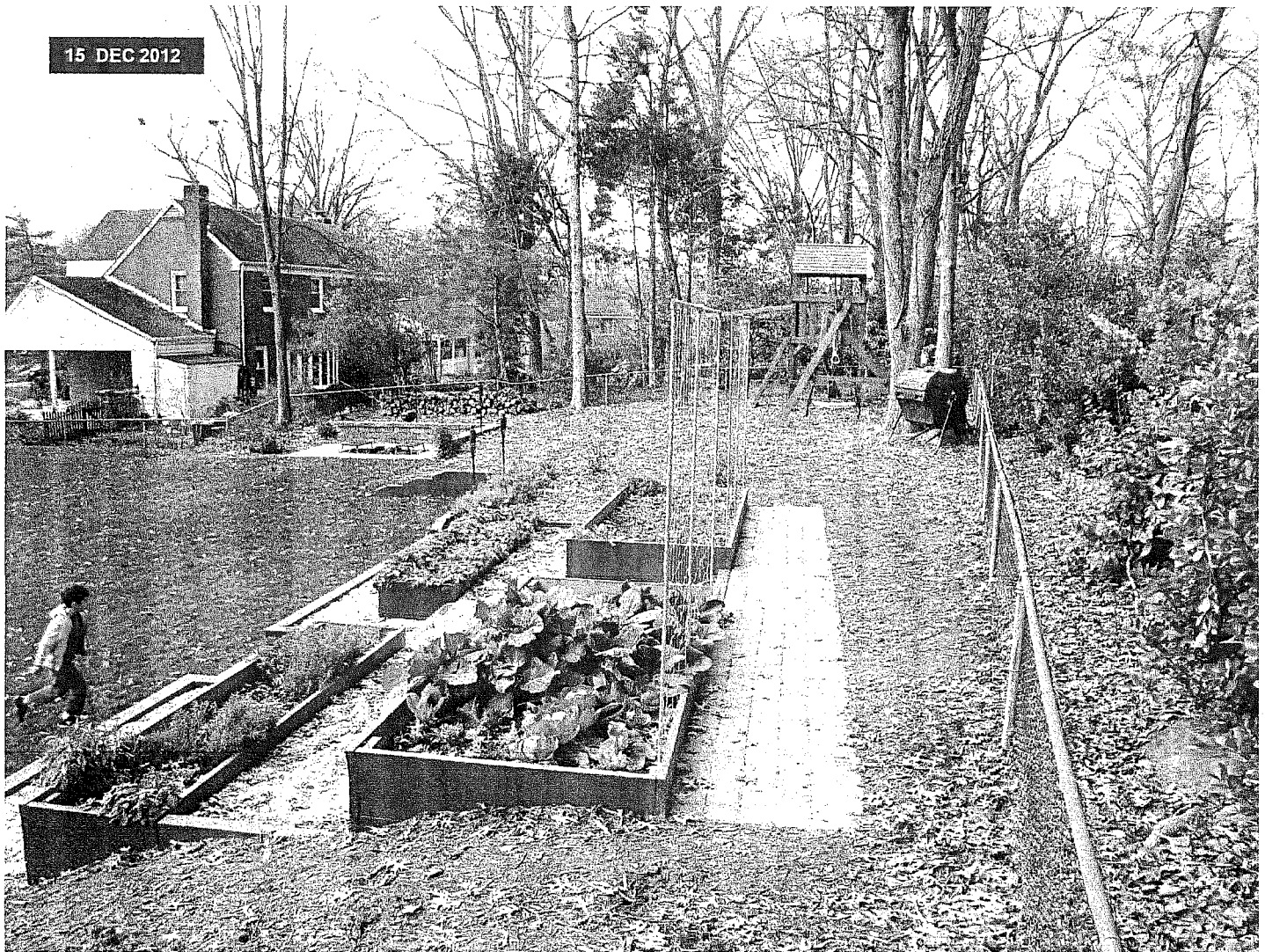
## SUPPLEMENTAL PICTURE (1 OF 8)



Backyard facing west - northwest. Picture taken from the fence on the east lot line. Provides better perspective of terraced vegetable boxes, retaining wall and playset in the far corner.

RECEIVED  
Department of Planning & Zoning  
DEC 19 2012  
Zoning Evaluation Officer

## SUPPLEMENTAL PICTURE (2 OF 8)



Backyard facing west along the north (rear) property line. Picture taken from the tree in the north east corner of the property. Provides better perspective of terraced vegetable boxes, paver block walkway, playset in the far corner, and neighboring properties.

RECEIVED  
Department of Planning & Zoning  
DEC 19 2012  
Zoning Evaluation Division



## SUPPLEMENTAL PICTURE (3 OF 8)



Picture taken from the fence along the west property line facing north. Provides better perspective of the playset, its overall quality, character, stain color, screening bushes, and harmony with surrounding wooded area.

RECEIVED  
Department of Planning & Zoning  
DEC 19 2012  
Zoning Evaluation Division

## SUPPLEMENTAL PICTURE (4 OF 8)



Picture taken from the fence along the west property line facing north.  
Provides better perspective of the neighbor's property and screening bushes.

RECEIVED  
Department of Planning & Zoning  
DEC 19 2012  
Zoning Evaluation Division

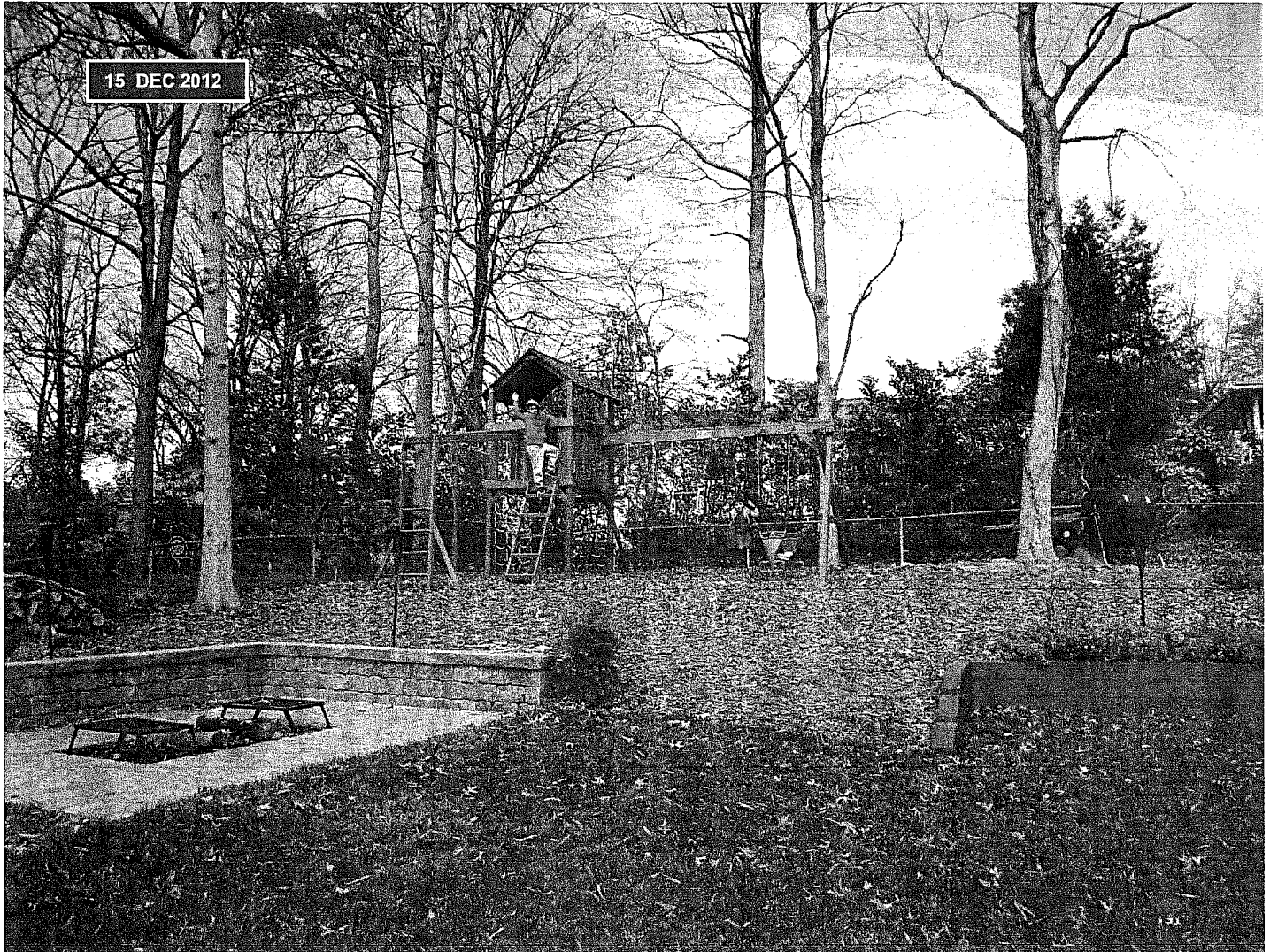


## SUPPLEMENTAL PICTURE (5 OF 8)



Picture taken from the fence along the west property line facing north east. Provides better perspective of improvements made to the lot by creating open playing field for sports, recently planted sod, and maximizing exposure to sun for vegetable boxes.

## SUPPLEMENTAL PICTURE (6 OF 8)



Picture taken from the base of the slope facing north. Provides better perspective of block patio with fire pit, 1.5' high bench wall, and playset in the back corner of the lot.

RECEIVED  
Department of Planning & Zoning  
DEC 19 2012  
Zoning Evaluation Division

## SUPPLEMENTAL PICTURE (7 OF 8)



Picture taken shortly after purchase of the property in 2011. It was taken from the current location of the playset. Provides better perspective of the vast amounts of wood chips sprayed in the corner of the property to control the resurgence of ivy and wild growth following 7 years of property abandonment. These chips (in some places up to 6 inches deep) now offer protection from falls and mitigate the risk of injury.



## SUPPLEMENTAL PICTURE (8 OF 8)



Picture taken shortly after purchase of the property in 2011 . It was taken from the fence along the east property line facing north west. Provides better perspective of the wood chips sprayed in the back corner of lot during initial clean up after 7 years of property abandonment.

RECEIVED  
Department of Planning & Zoning  
DEC 19 2012  
Zoning Evaluation Division

## DESCRIPTION OF THE APPLICATIONS

The applicant is seeking approval of two special permit requests. The first request is to permit a reduction in minimum yard requirements based on an error in building location to permit an existing accessory structure, 11 foot tall play equipment, to remain 6.1 feet from the west side lot line and 7.9 feet from the rear lot line.

### Special Permit Request #1

	Structure	Yard	Min. Yard Req.*	Structure Location	Proposed Reduction	Percent of Reduction
<b>Special Permit</b>	Play Equipment	Side	12.0 feet	6.1 feet	5.9 feet	49.2%
	Play Equipment	Rear	11.0 feet	7.9 feet	3.1 feet	28.1%

\* Minimum yard requirement per Section 3-307 and 10-104

The second special permit request is for a reduction in minimum yard requirements to permit a garage addition, 14.5 feet in height, to be constructed 10.7 feet to the eastside lot line. The garage addition will be the enclosure of an existing carport and will be 291.6 square feet in size. A copy of the architect's rendition is included at the front of the staff report.

A copy of the special permit plat titled "Plat, Showing the Improvements on Lot 7, Block 7, Section 3" prepared by Dominion Surveyors Inc., dated September 25, 2012 is also included at the front of the staff report.

### Special Permit Request #2

	Structure	Yard	Min. Yard Req.*	Structure Location	Proposed Reduction	Percent of Reduction
<b>Special Permit</b>	Garage Addition	Side	12.0 feet	10.7 feet	1.3 feet	10.8 %

\* Minimum yard requirement per Section 3-307

## EXISTING SITE DESCRIPTION

The 14,110 square foot lot is currently zoned R-3 and developed with a one and one-half story brick and vinyl detached dwelling constructed in 1955. A carport exists to the east of the single family dwelling. Play equipment, 11.0 feet in height, is located in the rear yard along with a patio and a fire pit. A separate block patio is attached to the rear of the single family dwelling. A block walkway, flower boxes and a frame wall is located in the northeast section of the rear yard.

An asphalt driveway provides access to Wakefield Street. A concrete walkway extends

from the driveway to the front stoop and the front entrance of the dwelling. A chain link fence, 2.8 feet in height, encloses the rear yard and is located on portions of the east and west lot lines and along the entirety of the rear lot line.

The yard is well manicured and contains mature trees and shrubs. A Resource Protection Area exists in the front yard of this property.

### CHARACTER OF THE AREA

	<b>Zoning</b>	<b>Use</b>
<b>North</b>	R-3	Single-Family Dwellings
<b>East</b>	R-3	Single-Family Dwellings
<b>South</b>	R-3	Single-Family Dwellings
<b>West</b>	R-3	Single Family Dwellings

### BACKGROUND

Following the adoption of the current Zoning Ordinance, the BZA has heard the following special permit applications in the vicinity of the application parcel:

- Special Permit, SP 94-V-060, was approved on February 9, 1995, for Tax Map 111-1 ((3)) (6) 3, zoned R-3, at 2004 Prices Lane, to permit reduction to minimum yard requirements based on error in building location to allow addition to remain 14.8 feet from the rear lot line and 9.4 feet from the side lot line.
- Special Permit, SP 2004-MV-028, was approved on August 4, 2004, for Tax Map 111-1 ((3)) (4) 509, zoned R-3, at 2109 Wakefield Street, to permit a reduction to minimum yard requirements based on error in building location to permit accessory storage structure to remain 2.7 feet with eave 1.6 feet from the rear lot line and 9.3 feet with eave 8.3 feet from the side lot line.
- Special Permit, SP 2008-MV-086, was approved on June 23, 2009, for Tax Map 111-1 ((3)) (1) 9, zoned R-3, at 2002 Basset Street, to permit a reduction to minimum yard requirements based on error in building location to permit open deck to remain 1.8 feet from side lot line and to permit modifications to the limitations on the keeping of animals.

**ZONING ORDINANCE REQUIREMENTS (See Appendix 4)**

- Sect. 8-006 General Special Permit Standards
- Sect. 8-903 Group 9 Standards
- Sect. 8-914 Provisions for Approval of Reduction of the Minimum Yard Requirements Based on an Error in Building Location
- Sect. 8-922 Provisions for Reduction of Certain Yard Requirements

**Sect. 8-006 General Special Permit Standards**

Staff believes that the application meets all of the 8 General Special Permit Standards with notes regarding General Standard 3.

*General Standard 3* requires that the proposed uses be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. *Staff believes by observation of the neighborhood through submitted photographs and through aerial images that the addition will not adversely affect the use or development of neighboring properties. The general character of the residential neighborhood is single family dwellings. The proposed garage addition is of a similar style to the existing home on the property and other single family dwellings in the neighborhood. Additionally, other dwellings in the neighborhood have constructed similar additions by converting carports into garages. Therefore, staff believes that the application meets this provision.*

**Sect. 8-922 Provisions for Reduction of Certain Yard Requirements**

This special permit application must satisfy all of the provisions contained in Sect. 8-922, Provisions for Reduction of Certain Yard Requirements. Standards 1, 2, 3, 11 and 12 relate to submission requirements and were satisfied at the time of submission. Standard 5 relates to accessory structures, which does not apply to this application and Standard 10 allows the BZA to impose development conditions. Staff believes that the application has met all of the remaining standards, specifically Standards 4, 6, 7, 8, and 9.

*Standard 4* states that the resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed; no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed. *The existing dwelling is 4,457 square feet in size. Therefore 150% of the total gross floor area could result in an addition up to 6,685.5 square feet in size for a possible total square footage at build out of 11,142.5 square feet. The proposed garage addition is approximately 291.6 square feet in size, for a total square footage of the house, with the addition, of 4,748.6 square feet. Therefore the application meets this provision.*

*Standard 6 states that the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. The elevation drawings submitted indicate that the materials, size and scale of the proposed garage addition will be compatible with the existing structure. The addition is clearly subordinate in bulk and scale to the principal dwelling and the proposed addition will not create any additional height to the overall existing structure. The garage is proposed at 14.5 feet to peak; the existing house is 15.8 feet to peak. Staff believes the application meets this provision.*

*Standard 7 states that the BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director. It appears the proposed improvements are compatible with the surrounding houses in the neighborhood. The proposed exterior building materials are consistent with the on-site dwelling and compatible with those in the neighborhood. Staff believes the application meets this provision.*

*Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. Staff believes that the application meets the erosion and stormwater runoff portion of the standards since the Department of Public Works and Environmental Services (DPWES) has indicated that there are no drainage complaints on file related to this property. Staff believes that the garage addition is modest in size and scale and will not impact the use and/or enjoyment of adjacent properties. The proposed garage addition is being constructed on the same footprint as the existing carport. Therefore, there will be minimal, if any, increase in impervious surfaces. Staff believes that the application meets this provision.*

*Standard 9 states that the BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the proposed structure; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources. The east side yard would be an adequate location for a proposed garage as there is already an existing carport and asphalt driveway on the eastern side of the house. Therefore, the proposed garage addition is in the most logical place on the property. The proposed garage addition is being constructed inside an existing Resource Protection Area. In turn, the addition may need to be reviewed by the Department of Public Works and Environmental Sciences. A development condition has been included in Appendix 1 to*



*address this concern. No trees will be removed with the construction of this garage. Trees, however, are located off-site and near the proposed construction. Staff has included a development condition to address preservation of these trees. Other issues of steep slopes, floodplains, wells, easements and preservation of historic resources are not applicable to this site. Therefore, staff believes that the application meets this provision.*

## **CONCLUSION**

Staff believes that the request is in conformance with the applicable Zoning Ordinance provisions with the implementation of the Proposed Development Conditions contained in Appendix 1 of the staff report.

## **RECOMMENDATION**

Staff recommends approval of SP 2013-MV-002 for the garage addition, subject to the Proposed Development Conditions contained in Appendix 1 of the staff report. It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

## **APPENDICES**

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Applicable Zoning Ordinance Provisions







**PROPOSED DEVELOPMENT CONDITIONS****SP 2013-MV-002****March 27, 2013**

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the garage addition and play equipment located as shown on the special permit plat, prepared by Dominion Surveyors Inc., dated September 25, 2012, as submitted with this application and is not transferrable to other land.
3. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (4,457 square feet existing + 6,685.5 square feet (150%) = 11,142.5 square feet maximum permitted on lot) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. If deemed necessary by Department of Public Works and Environmental Services the applicant shall submit an Infill Grading Plan to the for analysis and review of the construction inside the Resource Protection Area.
5. Every effort shall be made to protect offsite trees during construction of the garage. If needed, the applicant shall hire a certified arborist to assess and make recommendations on tree protection measures.
6. The addition shall be generally consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.

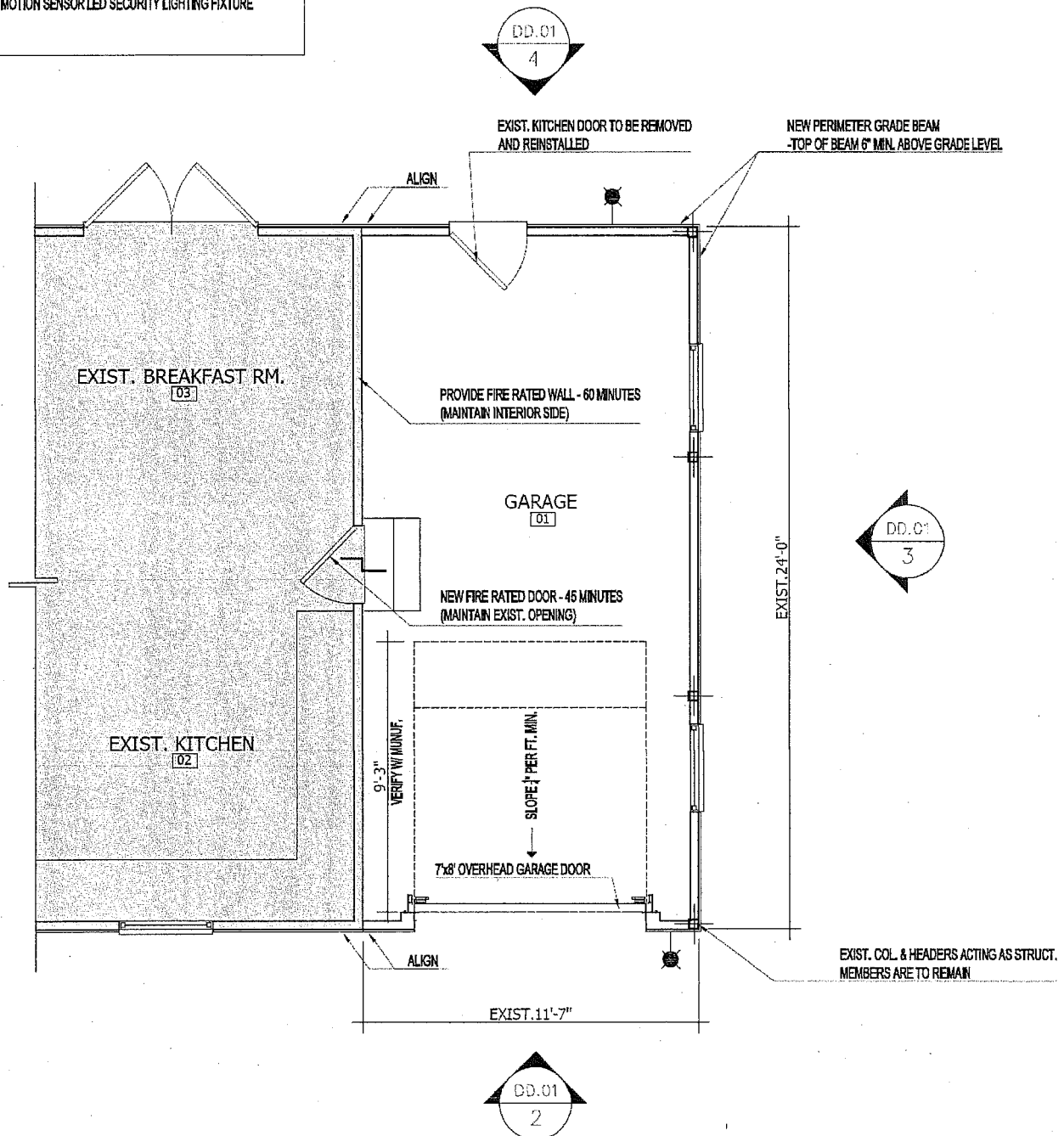
This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

## LEGEND

-  NEW WALL
-  ALIGNMENT INDICATOR
-  FLOOR LEVEL CHANGES
-  FLOOR TRANSITION STRIP AT ALL FLOOR CHANGES
-  EXISTING CONSTRUCTION TO REMAIN & NOT IN CONTRACT
-  MOTION SENSOR LED SECURITY LIGHTING FIXTURE

## ARCHITECT'S RENDITION (1 of 4)









1 FLOOR PLAN

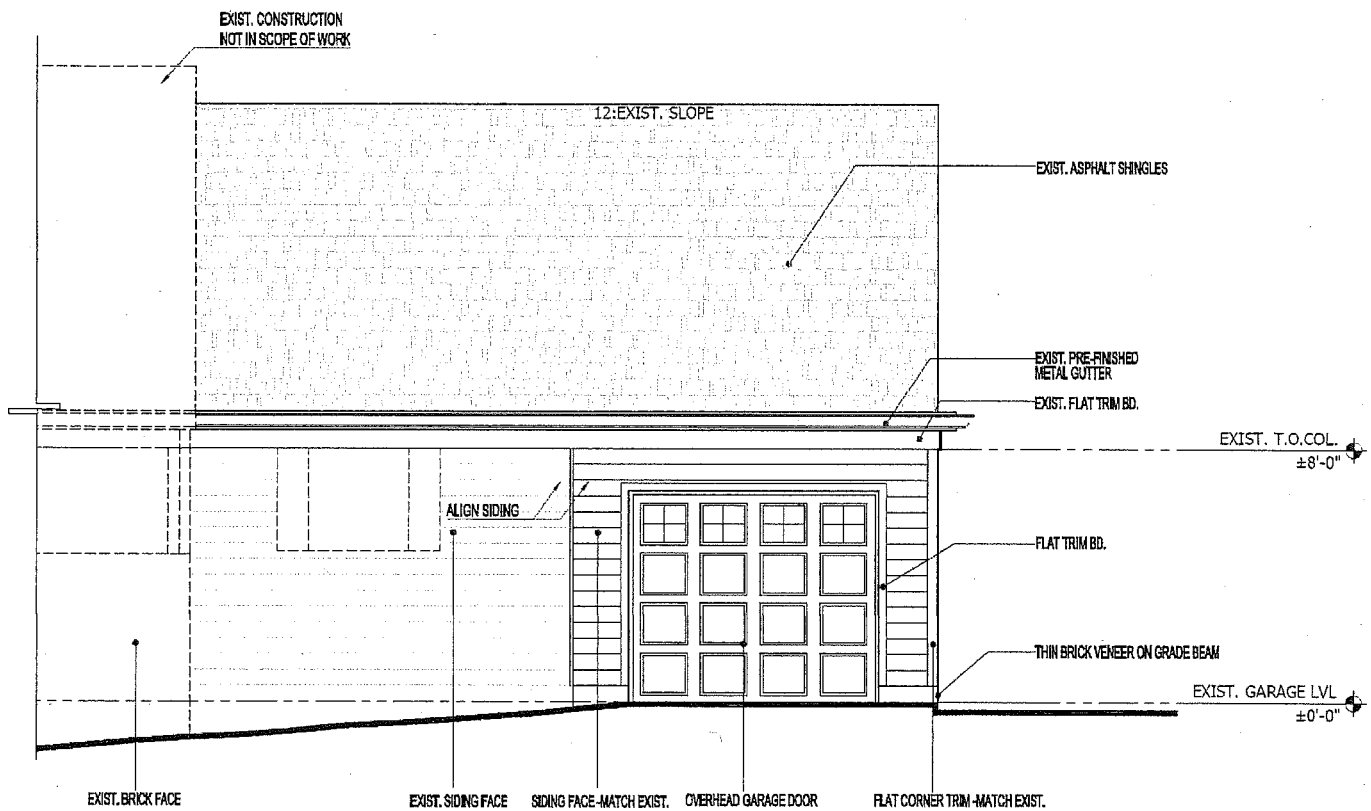
DD.01 SCALE: 1/4" = 1'-0"



## LEGEND

-  NEW WALL
-  ALIGNMENT INDICATOR
-  FLOOR LEVEL CHANGES
-  FLOOR TRANSITION STRIP AT ALL FLOOR CHANGES
-  EXISTING CONSTRUCTION TO REMAIN & NOT IN CONTRACT
-  MOTION SENSOR LED SECURITY LIGHTING FIXTURE







## ARCHITECT'S RENDITION (2 of 4)



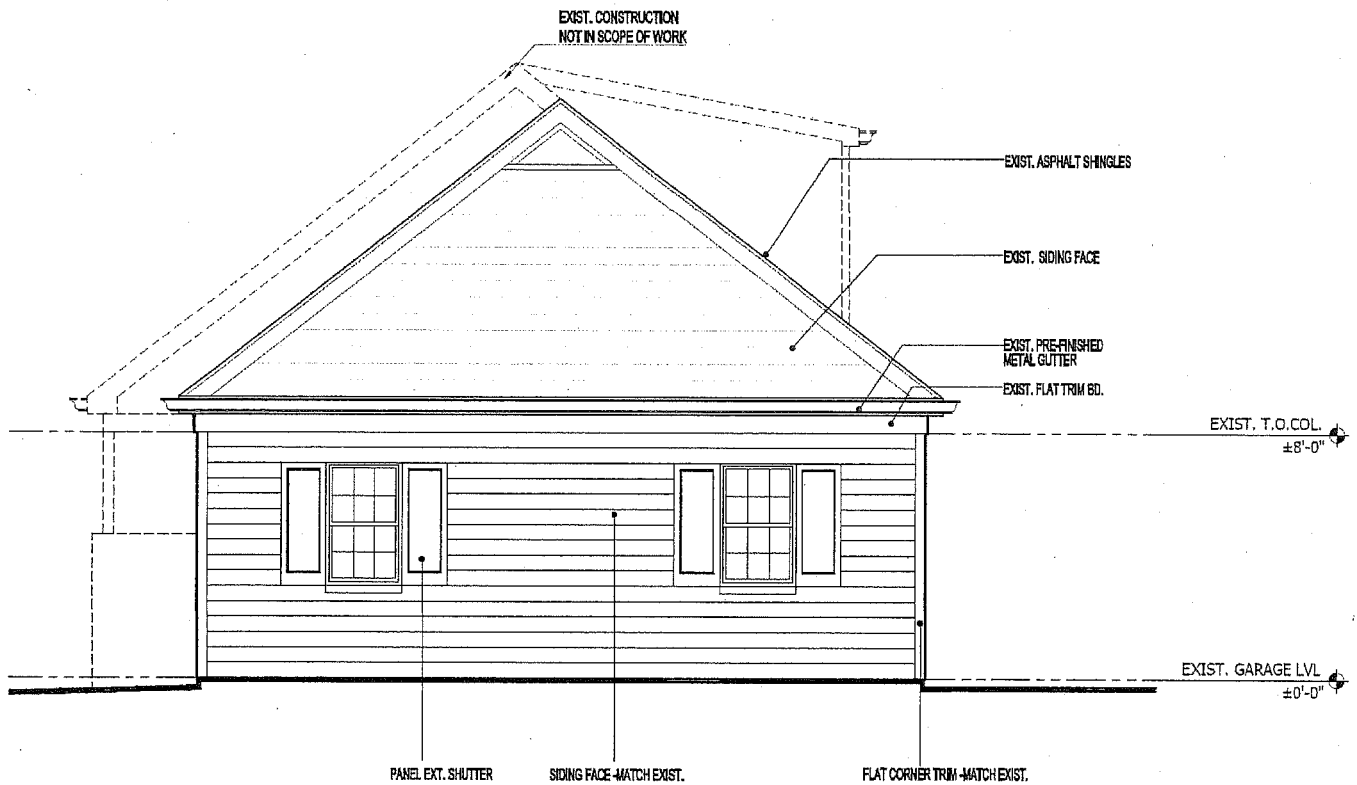
### 2 FRONT ELEVATION

DD.01 SCALE: 1/4" = 1'-0"

# LEGEND







-  NEW WALL
-  ALIGNMENT INDICATOR
-  FLOOR LEVEL CHANGES
-  FLOOR TRANSITION STRIP AT ALL FLOOR CHANGES
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-  MOTION SENSOR LED SECURITY LIGHTING FIXTURE

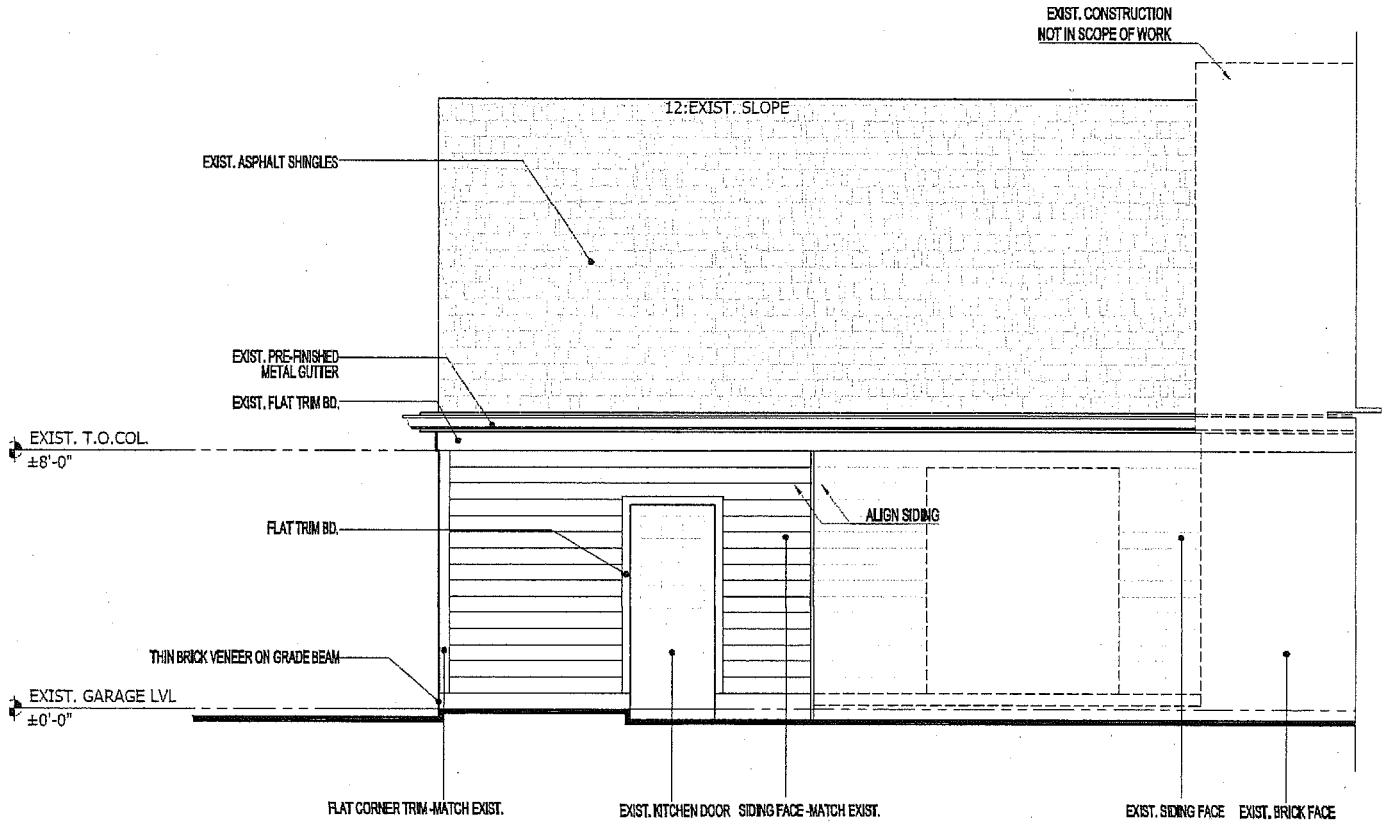
## ARCHITECT'S RENDITION (3 of 4)



### 3 LEFT SIDE ELEVATION

DD.01 SCALE: 1/4" = 1'-0"

LEGEND	
	NEW WALL
	ALIGNMENT INDICATOR
	FLOOR LEVEL CHANGES
	FLOOR TRANSITION STRIP AT ALL FLOOR CHANGES
	EXISTING CONSTRUCTION TO REMAIN & NOT IN CONTRACT
	MOTION SENSOR LED SECURITY LIGHTING FIXTURE



4 REAR ELEVATION  
DD.01 SCALE: 1/4" = 1'-0"

Application No.(s): SP 2013-MV-002  
 (county-assigned application number(s), to be entered by County Staff)

### SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 10 Nov 2012  
 (enter date affidavit is notarized)

I, Luis Perez, do hereby state that I am an  
 (enter name of applicant or authorized agent)

(check one) ☒ applicant  
☐ applicant's authorized agent listed in Par. 1(a) below

118753

and that, to the best of my knowledge and belief, the following is true:

- 1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,\* and, if any of the foregoing is a **TRUSTEE,\*\*** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(**NOTE:** All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
Luis M. Perez	2104 Wakefield St, Alexandria VA, 22308	<b>APPLICANT, TITLE OWNER</b>
Angela M. Perez	2104 Wakefield St, Alexandria VA, 22308	<b>TITLE OWNER</b>

(check if applicable) ☐ There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

\*\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).



Application No(s): SP 2013-MV-002  
(county-assigned application number(s), to be entered by County Staff)

Page Two

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 10 NOV 2012  
(enter date affidavit is notarized)

118753

1(b). The following constitutes a listing\*\*\* of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

**CORPORATION INFORMATION**

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
Not applicable

**DESCRIPTION OF CORPORATION:** (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF SHAREHOLDERS:** (enter first name, middle initial, and last name)  
Not applicable

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s):

SP 2013-MV-002

(county-assigned application number(s), to be entered by County Staff)

Page Three

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 10 NOV 2012  
(enter date affidavit is notarized)

118753

- 1(c). The following constitutes a listing\*\*\* of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

**PARTNERSHIP INFORMATION**

**PARTNERSHIP NAME & ADDRESS:** (enter complete name, number, street, city, state, and zip code)  
Not applicable

(check if applicable) ☐ The above-listed partnership has no limited partners.

**NAMES AND TITLE OF THE PARTNERS** (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

Not applicable

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s):

SP 2013-MV-002

(county-assigned application number(s), to be entered by County Staff)

Page Four

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 10 NOV 2012  
(enter date affidavit is notarized)

118753

1(d). One of the following boxes **must** be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land:

☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

**EXCEPT AS FOLLOWS:** (**NOTE:** If answer is none, enter "NONE" on the line below.)

NONE

(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

Application No.(s):

SP 2013 - MV - 002  
(county-assigned application number(s), to be entered by County Staff)

Page Five

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 10 NOV 2012  
(enter date affidavit is notarized)

118753

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

**EXCEPT AS FOLLOWS:** (**NOTE:** If answer is none, enter "NONE" on line below.)  
NONE

(**NOTE:** Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) ☐ There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

☒ Applicant

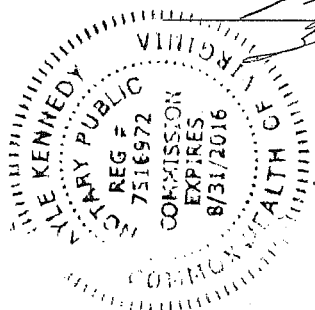
☐ Applicant's Authorized Agent

Luis M. Perez

(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 10 day of NOVEMBER 2012, in the State/Comm. of Virginia, County/City of Fairfax.

My commission expires: 08/31/2016



Notary Public



## Special Permit Application Justification

WITH SUPPLEMENTAL INFORMATION SUBMITTED IN RESPONSE TO FAIRFAX COUNTY  
MEMORANDUM DATED 4 DEC 2012, RE: SPECIAL PERMIT APPLICATION – LUIS M. PEREZ  
(All changes to initial application submitted on 14 NOV 2012 are highlighted in blue)

1. Purpose. To provide a written statement of justification describing the proposed use and other pertinent data.
2. General Standards. The statements included in the following subparagraphs are intended to provide information regarding compliance with the General Standards of Section 9-006 of the Zoning Ordinance and are provided for consideration to the Board of Zoning Appeals.
  - a. The subject property, 2104 Wakefield Street Alexandria, VA 22308, is and will continue to be used as a single family residence within its original, 1955 footprint. Therefore, the proposed use at the specified location is anticipated to remain in harmony with the adopted comprehensive plan.
  - b. The subject property is and will continue to be used as a single family residence within its original, 1955 footprint. Therefore, the proposed use is anticipated to remain in harmony with the general purpose and intent of the applicable zoning district regulations.
  - c. The subject property is and will continue to be used as a single family residence within its original, 1955 footprint. Therefore, the proposed use is anticipated to remain in harmony with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and adopted comprehensive plan. The location, size, and height of buildings, structures, walls, fences and the nature and extent of screening, buffering and landscaping shall be such that their use will not hinder or discourage appropriate development and is of adjacent or nearby land and/or building or impair the value thereof.
  - d. The subject property is and will continue to be used as a single family residence within its original, 1955 footprint. Therefore, the proposed use is such that pedestrian or vehicular traffic associated with such use is not anticipated to be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
  - e. The subject property, as a single family residence, has an appropriate amount of meticulously maintained landscaping and screening. If the Board of Zoning Appeals determines that additional landscaping and screening is required to meet the provisions of Article 13, Landscaping and Screening, in the Zoning Ordinance, the Applicant will make all reasonable attempts to meet these provisions.

f. The subject property, as a single family residence, has an appropriate amount of open space. If the Board of Zoning Appeals determines that additional open space is required, the Applicant will make all reasonable attempts to increase open space.

g. The subject property is and will continue to be used as a single family residence within its original, 1955 footprint. Therefore, adequate utility, drainage, parking, loading, and other necessary facilities to serve the proposed use are already provided in accordance with Paragraph 3, Section 3, Article 11, Off Street Parking, of the Zoning Ordinance and will not be modified.

h. The subject property is and will continue to be used as a single family residence within its original, 1955 footprint. Although no signs are envisioned as a part of, or as a result of this Special Permit Application, any signs that may be placed on the property will be in accordance with Section 201, of Article 12, Signs, in the Zoning Ordinance. If the Board of Zoning Appeals imposes more restrictive sign requirements, the Applicant will make all reasonable attempts to meet these.

3. Justification Under Section 8-011. The statements included in the following subparagraphs are intended provide information regarding compliance with the Special Permit Application requirements itemized under paragraph 6, Section 8-011, Article 8, Special Permits, of the Zoning Ordinance, and are provided for consideration to the Board of Zoning Appeals.

a. Type of Operation:

- The subject property, 2104 Wakefield Street Alexandria, VA 22308, was acquired in good faith on 7 OCT 2011 as our family's primary residence. Intent of the Special Permit is application is to enclose the existing carport as a garage under the original outline of the house built in 1955.

b. Hours of Operation:

- Not applicable. Subject property is a single family residence

c. Estimated number of patrons/clients/patients/pupils/etc:

- Not applicable. Subject property is a single family residence.

d. Proposed number of employees/attendants/teachers/etc:

- Not applicable. Subject property is a single family residence.

e. Estimate of traffic impact of the proposed use, including the maximum expected trip generation and the distribution of such trips by mode and time of day:

- Not applicable. Subject property is a single family residence.
- f. Vicinity or general area to be served by the use:
- Not applicable. Subject property is a single family residence.
- g. Description of the building façade and architecture of proposed new building or additions:
- Pictures of the existing structure and the architect's rendition of the proposed garage enclosure are provided in Enclosure D to the Special Permit Application packet.
- h. A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4, and 355; all hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or disposed of onsite and the size of contents of any existing or proposed storage tanks or containers:
- Hazardous or toxic substances or petroleum products that will be stored in the proposed household garage are limited to common petroleum products such as gasoline and motor oil typically associated with a lawn mowers, motorized handheld leaf blowers, or automobiles. Each of these devices has their own gasoline tanks that range in size from less than one (1) gallon to approximately twenty (20) gallons. Also, each of these devices has their own oil tanks ranging in size from less than one (1) quart to approximately six (6) quarts. In addition to gasoline and oil stored within these devices, portable gasoline containers of up to 5 gallons will be stored in the garage.
- i. A statement of how the proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions, or, if any waiver exception or variance is sought by the applicant from such ordinances, regulations, standards, or conditions, shall be specifically noted with the justification for any such modification:
- The subject property, 2104 Wakefield Street Alexandria, VA 22308, is and will continue to be used as a single family residence within its original, 1955 footprint. As such, its intended use will continue to conform to the provisions of all applicable ordinances, regulations, adopted standards, and any applicable conditions.
  - The only waiver exception or variance sought by the Applicant from such ordinances, regulations, standards, or conditions through this Special Permit

Application, pertains to the reduction of certain yard requirements in order to allow for the enclosure of the existing carport as a garage, immediately under the original outline of the house.

4. Amplifying Information for Addition (Garage Enclosure) under Section 8-922. The statements included in the following subparagraphs are intended to provide additional details to the Board of Zoning Appeals in their consideration of the Applicant's request to reduce certain yard requirements to allow for the enclosure of the existing carport as a garage, immediately under the original outline of the house. It is unclear to the Applicant whether Section 8-914 (*Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location*) or Section 8-922 (*Provisions for Reduction of Certain Yard Requirements*) would apply to this case. For this reason, the information provided below is intended to address the provisions of both Section 8-914 and Section 8-922.
- a. When the house on the property was built in 1955, it was skewed to the east. Under Zone R-3 (Residential 3 DU/AC), the minimum space between the dwelling and side property lines is 12 feet. At the subject property, the space between the west side property line and the house ranges from 15.4' and 16.6'. On the other hand, the space between the east side property line and the original vertical plane of the attic and carport is limited to 10.7'.
- b. Nearly six decades after construction, one can only speculate that the developer shifted the position of the house somewhat to the east in an effort to preserve the large tree standing between the house and the west side property line. The Plat submitted with this application depicts this tree as the one currently having a 30 inch diameter. Given its caliper, one has to assume that it was present at the time of construction.
- c. Irrespective of the original cause for the house being off centered within the east and west side property lines of the lot, one can only assume that it was done in good faith and that the County of Fairfax must have approved the construction and occupation of the detached, single family residence despite its encroachment into the twelve (12) foot minimum yard requirement / buffer zone required by the Ordinance.
- d. Having acquired the property on 7 October 2011, the location of the house is not the fault of the property owner / Applicant.
- e. Reducing the minimum yard will not impair the purpose and intent of the Ordinance. The overall character of the neighborhood and the zoning district will not be changed by the granting of the Special Permit. There are many houses in the area of the same model that have enclosed carports as either garages or additional living spaces. There are other homes of similar design with parking areas and carports extending almost to the side property line. Given the 1955 footprint of the house, granting of the Special Permit to enclose the carport immediately underneath the outlines of the existing attic would not create any impressions of encroachment towards the east side property line. Thus, it would not alter the character of the district in anyway.
- f. Reducing the minimum yard will not be detrimental to the use and enjoyment of other property in the immediate vicinity. The eastern vertical plane of the attic and carport will



remain unchanged from the original one established in 1955. Enclosing the carport on this vertical plane would not increase the encroachment into the minimum yard requirement, airspace or buffer zone that currently exists between the two houses.

g. Reducing the minimum yard will to enclose the carport as a garage immediately underneath the outline of the existing attic will not create unsafe conditions within the subject property, the neighbor's property, or public streets.

h. Reducing the minimum yard to enclose the existing carport will not result in an increase in density or floor area ratio that is permitted by the applicable zoning district regulations.

i. Hardships. Strict application of the Ordinance, that is forcing compliance with the minimum side yard requirements, would produce the following undue hardships on the owner, Applicant:

(1) Risks to Structural Integrity. Given that the east vertical plane of the house, first established in 1955, encroaches upon the minimum side yard requirements stipulated by the Zoning Ordinance, bringing the existing structure into compliance would require the lateral reduction of over one foot of roofline and the reconstruction and relocation of its supporting columns. Temporarily supporting the house on jacks to remove the supporting columns, cut the roofline, and move the attic wall inward, would place the structural integrity of the entire house at a grave risk.

(2) Costs. Modifying a nearly sixty (60) year old house for the sole purpose of complying with the minimum yard requirements of the Zoning Ordinance in effect, would impose an enormous cost on the Applicant while providing no discernible benefits to the immediate neighbor, the general character of the neighborhood or zoning district, or the public interest.

(3) Inability to control insects. By closing the carport into a garage, we will establish a physical buffer that would limit unrestricted access to the carport of mosquitoes and other pests. In the evening, many insects are attracted to the carport light and outings to dispose of household garbage in containers stored in the carport provide an opportunity for mosquitoes and other disease carrying insects to enter the house. Granting the Special Permit would enable the construction of a garage enclosure that would increase the protection of our children; one of whom suffers severely from allergies to a variety of insect bites.

(4) Increase safety hazards. Not granting the Special Permit to permit the construction of the garage enclosure on the existing carport footprint, would force the eastward, outer wall of the garage to be built on a vertical plane that would fall considerably inside of the original, eastern vertical plane of the attic and the carport. This would create a far narrower parking area. In turn, any vehicle parked therein would prevent the safe access to the steps leading to the side entrance of the house. (See pictures on slide 1 of Enclosure D).

(5) Inefficient utilization of storage space. Within the existing carport is a temporary plastic shed used to store yard maintenance and landscaping equipment. (See pictures on slides 14 and 15 of Enclosure D). The granting of a Special Permit to

build a garage enclosure immediately under the existing outline of the attic would offer additional wall space to neatly organize yard tools while simultaneously protecting the lawnmower and other motorized equipment from exposure to the elements.

(6) Reduction in usable yard space. Not granting the Special Permit to allow for the construction of the garage enclosure on the existing carport footprint would either perpetuate the inefficient use of the carport itself or force the erection of a separate storage building detached from the house. This latter situation would reduce the amount of yard space that could be dedicated to outdoor living areas, play areas, gardening, or would obstruct the buffer zone between houses as intended by the minimum yard space requirements of the Ordinance.

(7) Unsightly appearance. Without garage walls enclosing the carport, there are a number items of items that would remain exposed and within view of our neighbors. These include large garbage and recycling containers, ladders hanging from the attic support columns on the east side of the carport, and miscellaneous trashcans used for yard waste. A garage enclosure would conceal these items, thereby enhancing the overall aesthetics of the property and that of the neighborhood.

(8) Property value and appeal. Not granting the Special Permit for the construction of the garage enclosure would limit the rate of growth in value of the property. When houses in this neighborhood were built in the 1950s and 1960s, driveways and carports were the norm. Construction styles beginning in the 1980s and 1990s changed this trend with many new homes of comparable size benefitting from a one or two car garage. With all other factors remaining constant, a house in this subdivision with a garage would enjoy higher property values and appeal.

j. The undue hardships described above are not shared by other properties in the same zoning district and in the same vicinity. Since this subdivision was initially zoned R-3, it would be reasonable to assume that most, if not all houses were built on their respective lots with a minimum of 12 feet between the house and the side property lines. Other properties in the area would only suffer these hardships if they too possessed the unique off-centered location of the house in relation to their respective lateral property lines.

k. The undue hardships described above would only be felt if the Special Permit to reduce the minimum yard space was not granted. Therefore, not granting the Special Permit would create an unreasonable restriction against all reasonable uses of the property.

l. The space between the existing structure and the lot line will remain constant at 10.7' which is eighty-nine (89) percent of the required space. Therefore, approval of a reduction of yard requirements will not result in any yard that is less than fifty (50) percent of the requirement and will not result in any yard of less than five (5) feet, as measured from the lot line to the closest point of the existing (and proposed) structure.

m. The reduction will not result in the placement of a detached accessory structure in a front yard.

n. The Special Permit only applies to the subject property; a lot that contains a principal structure that must have complied with the minimal yard requirements that were in effect when the use or the structure was established in 1955, or that given its off centered location within the side property lines, received a variance from the County of Fairfax at the time of original construction.

o. According to tax records, the above grade living area of the house in is 2040 square feet and the area of the carport is 288 square feet. Once the carport is enclosed as a garage, the addition will represent fourteen (14) percent of the original gross floor area of the dwelling.

p. The proposed garage enclosure will utilize the same type and color of siding and/or bricks that currently exist on the house. It will be built within the existing footprint of the carport and no vegetation will be affected in the process. Therefore, the garage enclosure will be in harmony with surrounding uses and structures in terms of location, height, bulk, and scale of surrounding structures, topography, existing vegetation, and the preservation of significant trees.

q. The proposed garage enclosure will be built within the existing footprint of the carport immediately under the outline of the attic. No vegetation or drainage swales will be affected in the process. Therefore the proposed garage enclosure will not adversely affect the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff.

r. The Special Permit Application is only limited to the minimum amount of reduction required to accommodate the garage enclosure on the existing footprint of the carport, immediately underneath the existing outline of the attic.

s. This Special Permit is not being sought as a special privilege or a convenience. It is being requested in an effort to maximize the enjoyment, utility, and safety, of the property and to ensure the general wellbeing of those who dwell in it.

t. Granting the Special Permit will not adversely affect the adjacent neighbor, nor will it adversely affect the character of the neighborhood or zoning district. Therefore, one can only conclude that granting of the Special Permit will not be contrary to the public interest.

u. In conclusion, since granting the Special Permit will enhance the family's wellbeing and enjoyment of the property and since proposed improvements are likely to increase the appeal and property values of the neighborhood as a whole, one can only conclude that it would be in the public interest to grant the Special Permit.

5. Amplifying Information for Accessory Structure (Playset) under Section 8-914. The statements included in the following subparagraphs are intended to provide additional details to the Board of Zoning Appeals in their consideration of the Applicant's request to allow a children's playset to remain in its current location due to an error during installation.

a The minimum setback from the rear lot line is 25'. The playset was installed within 7.9' of the rear property line. This represents 31.6% of the measurement. The minimum set back from the side lot line is 12'. The playset was installed 6.1' from the side property line. This represents 50% of the measurement. Both errors exceed 10% of the measurements involved.

b. The noncompliance was done in good faith for the purpose of maximizing the enjoyment of all of the level areas of the yard and to mitigate the risk of injuries. Installation of the playset in the back corner of the property allowed us to open up the center of the yard as a field for our young children to play a variety of sports. Installation of the playset in the back corner yard was also the safest place in the yard for installation. Vast quantities of wood chips (in some places up to 6 inches deep) sprayed in the corner offer cushion for likely falls and mitigate the risk of injury. These wood chips were sprayed in the corner to control the resurgence of ivy during our initial lot clean up in 2011 following 7 years of property abandonment and unchecked vegetation growth.

c. The location of the playset will not impair the purpose and intent of this Ordinance. There are many accessory structures such as storage sheds or playsets in the surrounding neighborhood that abut lateral or rear property lines.

d. The location of the playset will not be detrimental to the use and enjoyment of other properties in the immediate vicinity. In addition to being distant from neighboring dwellings, surrounding lots have an adequate amount of screening vegetation which reduces any unsightliness they may perceive. The playset is made of wood with a natural stain that blends in with the surrounding areas.

e. The location of the playset will in no way create an unsafe condition with respect to other properties or public streets. It is properly installed structure on level footing that is not likely to tip over into neighboring properties. Its location on the lot is too far to affect any public street.

f. Forcing compliance with the minimum yard requirement will cause the following unreasonable hardships upon the Applicant:

- (1) The only other large enough level space on the lot that could accommodate the structure is in the center of the back yard. Relocating the playset to this location would occupy space for playing sports.
- (2) Relocating the playset to the center of the yard would also destroy recently installed sod through either wear and tear or covering it with wood chips or mulch to mitigate risk of injury. The center of the backyard has approximately 5 pallets of sod at a cost of over \$2,500.
- (3) Any relocation of the playset would cost approximately \$400.00
- (4) Reducing the height of the playset, by eliminating the roof of the tower would significantly alter its character as a "fort" or for our two young boys.

**g. The reduction in minimum yard requirement will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations. As an outdoor play set, it does not alter the density or floor area ratio in any way.**